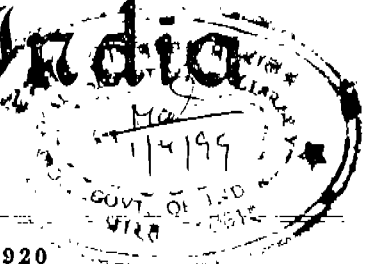




# भारत का राजपत्र The Gazette of India

प्रतिपक्ष से प्रकाशित  
PUBLISHED BY AUTHORITY



सं. 49]

नई दिल्ली, शनिवार, दिसम्बर 5, 1998/अग्राहायण 14, 1920

No. 49]

NEW DELHI, SATURDAY, DECEMBER 5, 1998/AGRAHAYANA 14, 1920

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministry of the Government of India  
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(पेंशन तथा पेंशनभोगी कल्याण विभाग)

नई दिल्ली, 18 नवम्बर, 1998

(क) नियम 15 के नीचे टिप्पण 5 के स्थान पर  
निम्नलिखित टिप्पण रखा जाएगा, अर्थात्:—

का. भा. 2500 :—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारतीय लेखा तथा लेखा परीक्षक विभाग में कार्यरत कर्मचारियों के संबंध में, भारत के निपत्रक और महालेखा परीक्षक से परामर्श करने के पश्चात् साधारण भविष्य निधि (केन्द्रीय सेवाएं) नियम, 1960 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. (i) इन नियमों का संक्षिप्त नाम साधारण भविष्य निधि (केन्द्रीय सेवाएं) दूसरा संशोधन नियम, 1998 है।

(ii) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे। साधारण भविष्य निधि (केन्द्रीय सेवाएं) नियम, 1960 में --

“टिप्पण 5—इस नियम के अधीन एक प्रयोजन के लिए केवल एक ही आहरण किया जाएगा। किन्तु भिन्न-भिन्न बच्चे के विवाह के या शिक्षा या भिन्न-भिन्न समय पर जीमारी को या घर अथवा प्लेट, जिस क्षेत्र में स्थित है, वहां के स्थानीय नगर निकाय द्वारा सम्बन्ध रूप से अनुमोदित नए प्लान में समावेशित घर अथवा प्लेट का अतिरिक्त परिवर्धन या परिवर्तन को एक प्रयोजन नहीं माना जाएगा। बच्चे की शिक्षा के व्यय की पूर्ति के लिए वार्षिक आधार पर आहरण की अनुज्ञा तब तक दी जाएगी जब तक कि संबंधित बच्चा तकनीकी या व्यावसायिक पाठ्यक्रम जारी रखता है।

उपखण्ड (क) या (ख) के अधीन दूसरा या पश्चात्पुर्वी आहरण टिप्पण 3 के अधीन अधिकतम सीमा तक अनुज्ञात होगा।

(ख) नियम 16 के नीचे टिप्पण के स्थान पर निम्नलिखित टिप्पण रखा जाएगा, अर्थात् :—

“टिप्पण (1) नियम 15 के उपनियम (1) के खण्ड (अ) के उपखण्ड (क) के अधीन अभिदाता को वार्षिक आधार पर आहरण की अनुशा तब तक कि अभिदाता का बच्चा पाठ्यक्रम जारी रखता है।

[सं. 45/44/97-पी.एण्ड पी. डब्ल्यू. (एफ.)]  
गंगा मूर्ति, निदेशक (पी.पी.)

पाठ टिप्पणी :—ये मूल नियम, भारत के राजपत्र की अधिसूचना सं. का.आ. 3000 तारीख 1 दिसम्बर, 1960 में प्रकाशित किए गए थे तथा उसके बाद निम्नलिखित अधिसूचनाओं द्वारा संशोधित किए गए :—

- (1) का.आ.सं. 2002, तारीख 2-9-89
- (2) का. आ. सं. 710, तारीख 4-3-90
- (3) का. आ. सं. 3006, तारीख 17-11-90
- (4) का. आ. सं. 3272, तारीख 8-12-90
- (5) का. आ. सं. 146, तारीख 20-3-93
- (6) का. आ. सं. 377, तारीख 10-2-96
- (7) का. आ. सं. 379, तारीख 10-2-96
- (8) का. आ. सं. 3228, तारीख 23-11-96
- (9) का. आ. सं. 826, तारीख 25-11-98

#### MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES

(Department of Pension and Pensioner's Welfare)

New Delhi, the 13th November, 1998

S.O. 2500.—In exercise of the powers conferred by the proviso to Article 309 and Clause (5) of Article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the India Audit and Accounts Department, the President hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely :—

1. (i) These rules may be called the General Provident Fund (Central Services) Second Amendment Rules, 1998.
- (ii) They shall come into force on the date of their publication in the Official Gazette.
2. In the General Provident Fund (Central Services) Rules, 1960,—

(a) For Note 5 below rule 15, the following note shall be substituted, namely :—

“Note 5.—Only one withdrawal shall be allowed for the same purpose under this rule. But marriage or education of different children or illness on different occasions or a further addition or alteration to a house or flat covered by a fresh plan duly approved by the local municipal body of the area where the house or flat is situated shall not be treated as the same purpose. Withdrawal for meeting the cost of education of a child may be allowed on annual basis till the concerned child continues to pursue the technical or professional course. Second or subsequent withdrawal under sub-clause (a) or (f) of clause (B) for completion of the same house shall be

allowed upto the limit laid down under Note 3.”

(b) For Note 1 below Rule 16, the following note shall be substituted, namely :—

“Note 1—A withdrawal to a subscriber under sub-clause (a) of clause (A) of sub-rule (1) of Rule 15, may be permitted annually so long as the concerned child of the subscriber continues to pursue the course.”

[No. 45/44/97-P&PW (F)]  
GANGA MURTHY, Director (PP)

Foot note—The Principal Rules were published in the Gazette of India vide Notification No. S.O. 3000 dated the 1-12-1960 and subsequently amended by Notification under :—

- (1) S.O. No. 2002 dated 2-9-89
- (2) S.O. No. 710 dated 4-3-90
- (3) S.O. No. 3006 dated 17-11-90
- (4) S.O. No. 3272 dated 8-12-90
- (5) S.O. No. 146 dated 20-3-93
- (6) S.O. No. 377 dated 10-2-96
- (7) S.O. No. 379 dated 10-2-96
- (8) S.O. No. 3228 dated 23-11-96
- (9) S.O. No. 826 dated 25-4-98

नई दिल्ली, 18 नवम्बर, 1998

का. आ. 2501 :—केन्द्रीय सरकार, दिल्ली विशेष स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, ओ. जे. सी. सं. 420/98 में कटक स्थापित उड़ीसा उच्च न्यायालय के तारीख 21-8-98 के आदेश के अनुसार, भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 306 के अधीन उड़ीसा के केंद्रपाड़ा पुलिस थाना और केंद्रपाड़ा जिला के मामले सं. 14/98 के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण उड़ीसा राज्य पर करती है, अर्थात् :—

(ख) ऊपर वर्णित एक या अधिक अपराधों के संबंध में या उनसे संसक्त प्रयत्न, दुष्प्रेरण और षड़यंत्र तथा वैसे ही व्यवहार के अनुक्रम में किया गया या किए गए उन्हीं तथ्यों से उद्भूत होने वाले कोई अन्य अपराध।

[सं. 228 (47) 98—ए. बी. डी. —ii(i)]

हरि सिंह, अव्वर सचिव

New Delhi, the 19th November, 1998

S.O. 2501.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, as per the order of Hon'ble High Court, Orissa, Cuttack dated 21-8-1998 in the O.J.C. No. 420/98 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to whole of the State of Orissa for investigation of the case No. 14/98 of Kendrapara Police Station and District Kendrapara of Orissa under Section 306 of the Indian Penal Code, 1860 (Act No. 45 of 1860).

(b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/47/98-AVD.II (i)]  
HARI SINGH, Under Secy.

नई दिल्ली, 19 नवम्बर, 1998

का. आ. 2502.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, ओ. जे. सी. सं. 9589/88 में उड़ीसा उच्च न्यायालय कटक के तारीख 21-8-98 के आदेश के अनुसार, मामला एक आई आर सं. 280/98 तारीख 5/8/98 शहीद नगर पुलिस थाना भुवनेश्वर, भारतीय दंड संहिता, 1860 की धारा 420/323/294/506 के अधीन दंडनीय अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण उड़ीसा राज्य कर करती है।

[सं. 228/47/98-ए. वी. डी.-II(ii)]

हरि सिंह, अवसर सचिव

New Delhi, the 19th November, 1998

S.O. 2502.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, as per the order of Hon'ble High Court, Orissa, Cuttack dated 21-8-1998 in the O.J.C. No. 9589/88 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to whole of the State of Orissa for investigation of offences punishable under Sections 420/323/294/506 of Indian Penal Code, 1860 of Case FIR No. 280/98 dated 5-8-1998 Saheednagar Police Station Bhubaneswar.

[No. 228/47/98-AVD. II (ii)]

HARI SINGH, Under Secy.

नई दिल्ली, 19 नवम्बर, 1998

का. आ. 2503.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, ओ. जे. सी. सं. 420/88 में कटक स्थापित उड़ीसा उच्च न्यायालय के तारीख 21/8/98 के आदेश के अनुसार, भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 376(2)(घ)/306/34 के अधीन उड़ीसा के केन्द्रपाड़ा पुलिस थाना और केन्द्रपाड़ा जिला के मामला सं. 5/98 के अन्वेषण के लिये दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण उड़ीसा राज्य पर करती है, अर्थात् :-

(ख) ऊपर वर्णित एक या अधिक अपराधों के संबंध में या उससे सम्बन्धित प्रत्यक्ष, अप्रत्यक्ष और पर्याप्त तथा वैसे ही सख्यवहार के अनुक्रम में दिया गया या विवेक से उन्हीं तथ्यों से उद्भूत होने वाले कोई अन्य अपराध।

[सं. 228/47/98-ए. वी. डी.-सं(ii)]

हरि सिंह, अवसर सचिव

New Delhi, the 19th November, 1998

S.O. 2503.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, as per the order of Hon'ble High Court, Orissa, Cuttack dated 21-8-1998 in the O.J.C. No. 420/98 hereby

extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to whole of the State of Orissa for investigation of the case No. 5/98 of Kendrapara Police Station and District Kendrapara of Orissa under Section 376(2)(g)/306/34 of the Indian Penal Code, 1860 (Act No. 45 of 1860).

(b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/47/98-AVD. II (iii)]

HARI SINGH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 12 नवम्बर, 1998

स्टाम्प

का.आ. 2504.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 21) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा में, हिन्दुस्तान मोटर्स लि. कलकत्ता को मात्र, चालीस लाख पांच हजार रु. का समकित स्टाम्प शुल्क प्रदा करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले मात्र तिरपन करोड़ एवं चालीस लाख रुपए के समस्त मूल्य के प्रत्येक 100-100 रु. मूल्य के 5340000—16 पूर्णतया परिवर्तनीय ऋण-पत्रों पर स्टाम्प शुल्क अकारण प्रभावी है।

[सं. 36/98-स्टाम्प/का.सं. 15/32/98-वि.क.]

अभय त्रिपाठी, उप-सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 12th November, 1998

STAMPS

S.O. 2504.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Hindustan Motors Limited, Calcutta to pay consolidated stamp duty of rupees forty lakhs and five thousand only chargeable on account of the stamp duty on 5340000—16% Fully Convertible Debenture of rupees one hundred each aggregating to rupees fifty three crores and forty lakhs only, to be issued by the said company.

[No. 36/98-Stamp/F. No. 15/32/98-ST]

ABHAY TRIPATHI, Dy. Secy.

आदेश

नई दिल्ली, 12 नवम्बर, 1998

स्टाम्प

का.आ. 2505.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा

सी. पावर फाइनेंस कारपोरेशन लि., नई दिल्ली को मात्र पचास लाख रुपए का समेकित स्टाम्प शुल्क भुगत करने की अनुमति प्रदान करती है, जो उक्त नियम द्वारा जारी किए जाने वाले मात्र पचास करोड़ रुपए के कुल मूल्य के 1 से 5000 तक की विशिष्ट संख्या वाले एक-एक लाख रुपए मूल्य के 13.25 प्रतिशत असुरक्षित अपरिवर्तनीय विमोक्ष्य पीएफसी बांड-2005 (प्रथम श्रृंखला) ट्रेन्च-1 पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 37/98-स्टाम्प/फा.सं. 15/30/98-बि.क.]

अपर्णा शर्मा, अवर सचिव

## ORDER

New Delhi, the 12th November, 1998

## STAMPS

S.O. 2505.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Power Finance Corporation Limited, New Delhi to pay consolidated stamp duty of rupees fifty lakhs only, chargeable on account of the stamp duty on 13.25 per cent Unsecured Non-convertible Redeemable PFC Bonds-2005 (First Series) Trench I of rupees one lakh each bearing distinctive numbers from 1 to 5000 aggregating to rupees fifty crores only, to be issued by the said Corporation.

[No. 37/98-Stamps/F. No. 15/30/98-ST]

APARNA SHARMA, Under Secy.

आदेश

नई दिल्ली, 12 नवम्बर, 1998

स्टाम्प

का.भा. 2506.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रस्ताव शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मै. हल्डिया पेट्रोकेमिकल्स लि. कलकत्ता को मात्र तीस लाख साठ हजार रुपए का समेकित स्टाम्प शुल्क भुगत करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा क्रमशः 29-7-98 तथा 4-9-98 को अधिस्तित किए गए एक-एक लाख रुपए मूल्य के बीस लाख करोड़ तथा अस्सी लाख रुपए के समग्र मूल्य के 3320 (श्रृंखला ख) तथा 760 (श्रृंखला ख 1/1), सुरक्षित अपरिवर्तनीय, असंचयी, विमोक्ष्य तथा कराधेय बांड पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 38/98-स्टाम्प/फा.सं. 15/28/98-बि.क.]

अपर्णा शर्मा, अवर सचिव

## ORDER

New Delhi, the 12th November, 1998

## STAMPS

S.O. 2506.—In exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 9

of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Haldia Petrochemicals Ltd., Calcutta to pay consolidated stamp duty of rupees thirty lakhs sixty thousands only chargeable on account of the stamp duty on 3320 (series B 1) and 760 (series B 1/1) secured, non-convertible, non-cumulative, redeemable and taxable bonds of rupees one lakh each aggregating to rupees forty crores and eighty lakhs only allotted on 29-7-98 and 4-9-98 respectively by the said company.

[No. 38/98-STAMPS/F. No. 15/28/98-ST]

APARNA SHARMA, Under Secy.

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 26 नवम्बर, 1998

का.भा. 2507.—संबंधाधारण की सूचनार्थ यह अधिसूचित किया जाता है कि केन्द्रीय सरकार मैसर्स नेशनल कोऑपरेटिव डेवलपमेंट कारपोरेशन, नई दिल्ली को कर निर्धारण वर्ष 1997-98 से 1999-2000 तक के लिए आयकर अधिनियम, 1961 की धारा 36(1) (viii) के प्रयोजनार्थ अनुमोदित करती है।

यह अनुमोदन इस शर्त पर किया जाता है कि कंपनी आयकर अधिनियम, 1961 की धारा 36(1)(viii) के उपबंधों के अनुरूप होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. 10747/फा.सं. 204/14/98-आयकर नि. II]

मालती आर. श्रीधरन, अवर सचिव

(Department of Revenue)

(Central Board of Direct Taxes)

New Delhi, the 26th November, 1998

S.O. 2507.—It is notified for general information that M/s. National Cooperative Development Corporation, New Delhi has been approved by the Central Government for the purposes of Section 36(1)(viii) of the Income Tax Act, 1961. for the assessment years 1997-98 to 1999-2000.

The approval is subject to the condition that the company will conform to and comply with the provisions of section 36(1)(viii) of the Income-tax Act, 1961.

[Notification No. 10747/F. No. 204/14/98-ITA-II]

MALATHI R. SRIDHARAN, Under Secy.

वित्त मंत्रालय  
(आर्थिक कार्य विभाग)  
(बैंकिंग प्रभाग)

नई दिल्ली, 23 नवम्बर, 1998

का.आ. 2508.—रुग्ण औद्योगिक कंपनी (विशेष उपबंध) अधिनियम, 1985 (1986 का 1) की धारा 6 की उपधारा (2) के साथ पठित धारा 4 की उपधारा 2 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री जी. नारायणन, भूतपूर्व अध्यक्ष और प्रबन्ध निवेशक, आन्ध्रा बैंक को, उनके कार्यभार ग्रहण करने की तारीख से 19 जून, 2003 तक की अवधि के लिए औद्योगिक तथा वित्तीय पुनर्निर्माण बोर्ड के सदस्य के रूप में नियुक्त करती है।

[फा.सं. 7/17/96-बी.ओ.-1 (i)]  
के.के. मंगल, अवर सचिव

MINISTRY OF FINANCE  
(Department of Economic Affairs)  
(Banking Division)

New Delhi, the 23rd November, 1998

S.O. 2508.—In pursuance of the powers conferred by sub-section (2) of Section 4 read with sub-section (2) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986), the Central Government hereby appoints Shri G. Narayanan, former Chairman and Managing Director, Andhra Bank as a Member of the Board for Industrial and Financial Reconstruction for the period from the date his taking charge and upto 19th June, 2003.

[F. No. 7/17/96-B.O. I(i)]  
K. K. MANGAL, Under Secy.

नई दिल्ली, 23 नवम्बर, 1998

का.आ. 2509.—रुग्ण औद्योगिक कंपनी (विशेष उपबंध) अधिनियम, 1985 (1986 का 1) की धारा 6 की उपधारा (2) के साथ पठित धारा 4 की उपधारा (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री पी.पी. चौहान, सेवा निवृत्त आई.ए.एस., को उनके कार्य ग्रहण करने की तारीख से पांच वर्ष की अवधि के लिए, औद्योगिक तथा वित्तीय पुनर्निर्माण बोर्ड के सदस्य के रूप में नियुक्त करती है।

[फा.सं. 7/17/96-बी.ओ. I (ii)]  
के.के. मंगल, अवर सचिव

New Delhi, the 23rd November, 1998

S.O. 2509.—In pursuance of the powers conferred by sub-section (2) of Section 4 read with sub-section (2) of Section 6 of the Sick Industrial Com-

panies (Special Provisions) Act, 1985 (1 of 1986), the Central Government hereby appoints Shri P. P. Chauhan, Retd. IAS as a Member of the Board for Industrial and Financial Reconstruction for a period of five years from the date of his taking charge.

[F. No. 7/17/96-B.O.I(ii)]  
K. K. MANGAL, Under Secy.

नई दिल्ली, 23 नवम्बर, 1998

का.आ. 2510.—रुग्ण औद्योगिक कंपनी (विशेष उपबंध) अधिनियम, 1985 की धारा 6 की उपधारा (5) द्वारा प्रवृत्त शक्तियों के अनुसरण में केन्द्रीय सरकार, एतद्वारा, औद्योगिक एवं वित्तीय पुनर्निर्माण बोर्ड के सदस्य श्री एम.एस. दयाल को, उनके पदभार ग्रहण करने की तारीख से और 31 जनवरी, 1999 तक, औद्योगिक एवं वित्तीय पुनर्निर्माण अपीलीय प्राधिकरण के अध्यक्ष के रूप में कार्य करने के लिए प्राधिकृत करती है।

[फा.सं. 7/5/98-बी.ओ.-1]  
के.के. मंगल, अवर सचिव

New Delhi, the 23rd November, 1998

S.O. 2510.—In pursuance of the powers conferred by sub-section (5) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985 by the Central Government hereby authorises Shri M. S. Dayal, Member, Appellate Authority for Industrial and Financial Reconstruction, to act as Chairman, Appellate Authority for Industrial and Financial Reconstruction, with effect from the date he assumes charge of the post and upto 31st January, 1999.

[F. No. 7/5/98-B.O.I.]  
K. K. MANGAL, Under Secy.

विद्युत मंत्रालय

नई दिल्ली, 18 नवम्बर, 1998

का.आ. 2511.—केन्द्र सरकार, भारतीय विजली अधिनियम, 1910 (1910 का 9) की धारा 36 की उप धारा (1) द्वारा प्रवृत्त शक्तियों का उपयोग करते हुए तथा दिनांक 29 जून, 1998 के भारत के राजपत्र के भाग-2, खण्ड 3, उप-खण्ड (ii) में प्रकाशित विद्युत मंत्रालय में भारत सरकार की अधिसूचना सं. एस.ओ. 1447 दिनांक 25-7-1998 ..... का अधिक्रमण करते हुए श्री एस. संधानम, मुख्य अभियंता (विद्युत निरीक्षणालय), केन्द्रीय विद्युत प्राधिकरण, नई दिल्ली को केन्द्र सरकार और संघ राज्य क्षेत्र से संबंधित अथवा नियंत्रणाधीन कम बोलटता वाले अधिष्ठापनों को छोड़कर, जिनकी जांच विद्युत के संबंधित आपूर्तिकर्ताओं द्वारा की जाती रहेगी, सभी अधिष्ठापनों जैसा कि नीचे उल्लेख किया

गया है, के मामले में एतद्वारा वैद्युत निरीक्षक नियुक्त करती है :

1. संघ शासित क्षेत्र, अंशमान एवं निकोबार द्वीप समूह, चण्डीगढ़, दादरा एवं नगर हवेली, दमन और दीव, लक्षदीप, पाण्डिचेरी और अरुणाचल प्रदेश, गोवा तथा भिजोरम राज्य	सभी अधिष्ठापनाएं	23. अपारम्परिक ऊर्जा श्रोत मंत्रालय	सभी अधिष्ठापनाएं
2. कृषि मंत्रालय	सभी अधिष्ठापनाएं	24. संसदीय कार्य मंत्रालय	सभी अधिष्ठापनाएं
3. रसायन एवं उर्वरक मंत्रालय	सभी अधिष्ठापनाएं	25. कार्मिक, लोक शिकायत एवं पेंशन मंत्रालय	सभी अधिष्ठापनाएं
4. नागर विमानन एवं पर्यटन मंत्रालय	सभी अधिष्ठापनाएं	26. पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय	खान और तेल क्षेत्र को छोड़कर सभी अधिष्ठापनाएं
5. नगर आपूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय	सभी अधिष्ठापनाएं	27. योजना मंत्रालय	सभी अधिष्ठापनाएं
6. कोयला मंत्रालय	सभी अधिष्ठापनाएं	28. विद्युत मंत्रालय	सभी अधिष्ठापनाएं
7. वाणिज्य मंत्रालय	सभी अधिष्ठापनाएं	29. कार्यक्रम क्रियान्वयन मंत्रालय	सभी अधिष्ठापनाएं
8. संचार मंत्रालय	डाक एवं दूरसंचार विभाग को छोड़कर सभी अधिष्ठापनाएं ।	30. ग्रामीण विकास मंत्रालय	सभी अधिष्ठापनाएं
9. रक्षा मंत्रालय	मिलिट्री इंजीनियरिंग सेवा तथा आयुध कारखाना को छोड़कर सभी अधिष्ठापनाएं	31. विज्ञान एवं प्रौद्योगिकी मंत्रालय	सभी अधिष्ठापनाएं
10. पर्यावरण एवं वन मंत्रालय	सभी अधिष्ठापनाएं	32. इस्पात मंत्रालय	सभी अधिष्ठापनाएं
11. विदेश मंत्रालय	सभी अधिष्ठापनाएं	33. भूतल परिवहन मंत्रालय	सभी अधिष्ठापनाएं
12. वित्त मंत्रालय	सभी अधिष्ठापनाएं	34. कपड़ा मंत्रालय	सभी अधिष्ठापनाएं
13. खाद्य मंत्रालय	सभी अधिष्ठापनाएं	35. शहरी विकास मंत्रालय	सभी अधिष्ठापनाएं
14. खाद्य प्रसंस्करण उद्योग मंत्रालय	सभी अधिष्ठापनाएं	36. जल संसाधन मंत्रालय	सभी अधिष्ठापनाएं
15. स्वास्थ्य एवं परिवार कल्याण मंत्रालय	सभी अधिष्ठापनाएं	37. कल्याण मंत्रालय	सभी अधिष्ठापनाएं
16. गृह मंत्रालय	सभी अधिष्ठापनाएं	38. परमाणु ऊर्जा विभाग	खानों को छोड़कर सभी अधिष्ठापनाएं
17. मानव संसाधन विकास मंत्रालय	सभी अधिष्ठापनाएं	39. वैद्युत विभाग	सभी अधिष्ठापनाएं
18. उद्योग मंत्रालय	सभी अधिष्ठापनाएं	40. सागर विकास विभाग	सभी अधिष्ठापनाएं
19. सूचना एवं प्रसारण मंत्रालय	सभी अधिष्ठापनाएं	41. अंतरिक्ष विभाग	सभी अधिष्ठापनाएं
20. श्रम मंत्रालय	सभी अधिष्ठापनाएं	42. मंत्रिमंडलीय सचिवालय	सभी अधिष्ठापनाएं
21. विधि, न्याय एवं कंपनी मामले मंत्रालय	सभी अधिष्ठापनाएं	43. राष्ट्रपति का सचिवालय	सभी अधिष्ठापनाएं
22. खान मंत्रालय	खान एवं तेल क्षेत्र को छोड़कर सभी अधिष्ठापनाएं	44. प्रधानमंत्री का कार्यालय	सभी अधिष्ठापनाएं
		45. अगसूचित जाति और अनुसूचित जनजाति आयुक्त का कार्यालय	सभी अधिष्ठापनाएं
		46. केन्द्रीय सतर्कता आयोग	सभी अधिष्ठापनाएं
		47. भारत का निर्वाचन आयोग	सभी अधिष्ठापनाएं
		48. सुप्रीम कोर्ट	सभी अधिष्ठापनाएं
		49. संघ लोक सेवा आयोग	सभी अधिष्ठापनाएं

[फा.सं. 25/1/90-डी (एसईवी)-खंड 2]

पी.आई. सुबरतन, संयुक्त सचिव

#### MINISTRY OF POWER

New Delhi, the 18th November, 1998

S.O. 2511.—In exercise of the powers conferred by sub-section (I) of section 36 of the Indian Electricity Act, 1910 (9 of 1910) and in supersession of the notification of the Government of India in the Ministry of Power number S.O. 1447 dated the 29th June, 1998 published in part II section 3, sub-section (ii) of the gazette of India dated the 25-7-98, the Central Government hereby appoints Shri S. Santhanam, Chief Engineer (Electrical Inspectorate), Central

Electricity Authority, New Delhi to the Electrical Inspector in respect of all installations belonging to or under the control of the Central Government and the Union Territories as specified below, except for the low voltage installations which shall continue to be inspected by the respective suppliers of the electricity:—

- |  |   |   |   |
|--|---|---|---|
| 1. Union Territories of the Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep, Pondicherry and the States of Arunachal Pradesh, Goa and Mizoram. | All installations   | 22. Ministry of Mines   | All installations except Mines and Oil Fields |
| 2. Ministry of Agriculture   | All installations   | 23. Ministry of Non Conventional Energy Sources                         | All installations                             |
| 3. Ministry of Chemicals and Fertilisers.  | All installations   | 24. Ministry of Parliamentary Affairs                                   | All installations                             |
| 4. Ministry of Civil Aviation and Tourism.   | All installations   | 25. Ministry of Personnel, Public Grievances & Pensions.                | All installations                             |
| 5. Ministry of Civil Supplies, Consumer Affairs & Public Distribution.   | All installations   | 26. Ministry of Petroleum and Natural Gas                               | All installations except Mines and Oil Fields |
| 6. Ministry of Coal  | All installations   | 27. Ministry of Planning  | All installations                             |
| 7. Ministry of Commerce  | All installations   | 28. Ministry of Power   | All installations                             |
| 8. Ministry of Communications.   | All installations except Posts & Telecommunications Department                | 29. Ministry of Programme Implementation                                | All installations                             |
| 9. Ministry of Defence   | All installations except Military Engineering Services and Ordnance Factories | 30. Ministry of Rural Development                                       | All installations                             |
| 10. Ministry of Environment & Forests  | All installations   | 31. Ministry of Science & Technology                                    | All installations                             |
| 11. Ministry of External Affairs   | All installations   | 32. Ministry of Steel   | All installations                             |
| 12. Ministry of Finance  | All installations   | 33. Ministry of Surface Transport                                       | All installations                             |
| 13. Ministry of Food   | All installations   | 34. Ministry of Textiles  | All installations                             |
| 14. Ministry of Food Processing Industries.  | All installations   | 35. Ministry of Urban Development                                       | All installations                             |
| 15. Ministry of Health & Family Welfare  | All installations   | 36. Ministry of Water Resources   | All installations                             |
| 16. Ministry of Home Affairs   | All installations   | 37. Ministry of Welfare   | All installations                             |
| 17. Ministry of Human Resource Development   | All installations   | 38. Department of Atomic Energy   | All installations except Mines                |
| 18. Ministry of Industry   | All installations   | 39. Department of Electronics   | All installations                             |
| 19. Ministry of Information & Broadcasting   | All installations   | 40. Department of Ocean Development                                     | All installations                             |
| 20. Ministry of Labour   | All installations   | 41. Department of Space   | All installations                             |
| 21. Ministry of Law, Justice & Company Affairs   | All installations   | 42. Cabinet Secretariat   | All installations                             |
|  |   | 43. President's Secretariat   | All installations                             |
|  |   | 44. Prime Minister's Office   | All installations                             |
|  |   | 45. Office of the Commissioner for Scheduled Caste and Scheduled Tribes | All installations                             |
|  |   | 46. Central Vigilance Commission  | All installations                             |
|  |   | 47. Election Commission of India  | All installations                             |
|  |   | 48. Supreme Court   | All installations                             |
|  |   | 49. Union Public Service Commission                                     | All installations                             |

नई दिल्ली, 18 नवम्बर, 1998

का.प्रा. 2512.—केन्द्रीय सरकार, भारतीय विद्युत नियम, 1956 के नियम-7 के उप-नियम (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के ऊर्जा मंत्रालय के का.प्रा. संख्या-701, दिनांक 31 जनवरी, 1981 के आदेश का अतिक्रमण करते हुए एतद्वारा निदेश देती है कि परीक्षण एवं जांच तथा सामान्यतः संघ राज्य क्षेत्रों तथा केन्द्र सरकार के विभिन्न विभागों के लिए विद्युत निरीक्षकों अथवा उनकी सहायता के लिए नियुक्त किसी अधिकारी की सेवाओं के लिए इस दशा के साथ संलग्न अनुसूची में विनिर्दिष्ट दरों पर शुल्क उद्घोषित किया जाएगा तथा इस शुल्क की दरें इस अधिसूचना के 1999-2000 के सरकारी राजपत्र में प्रकाशित होने की तिथि से पांच वर्ष के लागू रहेंगी।

### अनुसूची

संघ राज्य क्षेत्रों और केन्द्रीय सरकार के विभागों के लिए विद्युत निरीक्षकों या विद्युत निरीक्षकों की सहायता करने के लिए नियुक्त किसी अधिकारी की सेवाओं के लिए देय फीस।

1. परिभाषाएं:—इस अनुसूची में 'स्वामी' के अंतर्गत किसी ऐसे भवन, स्थान, वाहन या यान का अधिभोगी सम्मिलित है जिसमें ऊर्जा उत्पादित, प्राप्त या प्रयुक्त की जाती है या की जाएगी।

2. फीसों का उद्घोषण :

(1) भारतीय विद्युत अधिनियम 1910 (1910 का 9) और उसके अधीन बनाए गए नियमों के उपबंधों के अधीन प्रारंभिक या प्रावधिक निरीक्षण परीक्षा या परीक्षण के लिए फीस इस अनुसूची के स्केल 'क' से 'घ' में विनिर्दिष्ट दरों के अनुसार उद्घोषित और उसमें वर्णित व्यक्तियों से संग्रहीत की जाएगी :

परन्तु प्रथम निरीक्षण, परीक्षा या परीक्षण की तारीख से बारह मास की अवधि के भीतर किए गए द्वितीय या अनुवर्ती निरीक्षण, परीक्षा या परीक्षण के मामले में

(क) 'क' से 'घ' तक के उक्त स्केलों में विनिर्दिष्ट फीस की आधी फीस उद्घोषित की जायेगी यदि विद्युत इंजीनियर या विद्युत इंजीनियर की सहायता करने के लिए नियुक्त किसी अधिकारी की राय में अनशक्तिधारी या स्वामी की, उक्त अनिरीक्षक या अधिकारी के विरुद्ध लिखित अनुदेशों वा नियत समय के भीतर पालन करने में उपेक्षा या असफलता के अथवा उक्त अधिनियम या उसके अधीन बनाए गये नियमों के विरुद्ध उपबंधों के भंग के कारण, दूसरा या अनुवर्ती निरीक्षण, परीक्षा या परीक्षण आवश्यक हो जाता है; और

(ख) यदि द्वितीय या अनुवर्ती निरीक्षण, परीक्षा या परीक्षण इस प्रकार आवश्यक न हो तो किसी भी फीस का उद्घोषण नहीं किया जायेगा।

(2) सिनेमा और मनोरंजन के अन्य सार्वजनिक

स्थलों के लाइवों के प्रारंभिक या वार्षिक निरीक्षण परीक्षा या परीक्षण के लिये तथा उसमें परिवहन या परिवर्तन के लिये फीस इस अनुसूची के स्केल "ड" में उपबंधित के अनुसार होगी तथा स्वामी से उद्घोषित की जायेगी।

(3) कारखानों व संस्थापनों के प्रारंभिक या वार्षिक निरीक्षण परीक्षा या परीक्षण के लिए फीस अनुसूची के स्केल "ब" में के अनुसार वार्षिक से उद्घोषित तथा स्वामी से एकत्रित की जायेगी।

(4) भारतीय विजली अधिनियम, 1910 (1910 का 9) के प्रावधानों और उसके अन्तर्गत बनाए गए नियमों के तहत तार लाइनों और केबलों से प्रारंभिक निरीक्षण, परीक्षण अथवा जांच के शुल्क लिए इस अनुसूची के स्केल "छ" से "झ" से उल्लिखित दरों के अनुसार लगाया जाएगा तथा स्वामी से उद्घोषित किया जाएगा।

बशर्ते विद्युत निरीक्षक या विद्युत निरीक्षक की सहायता करने के लिए नियुक्त किसी अधिकारी की राय में स्वामी की उपेक्षा या लापरवाही के कारण संस्थापन का द्वितीय अथवा अनुवर्ती निरीक्षण करना आवश्यक हो जाता है। टेलीफोन अधिकारी या स्वामी यथा-स्थिति के उक्त निरीक्षक या विद्युत निरीक्षक की सहायता करने के लिए नियुक्त किए गए किसी अधिकारी के किन्हीं लिखित अनुदेशों का नियत समय के भीतर पालन करने में उपेक्षा या असफलता के कारण या अधिनियम के उपबंधों या उसके अधीन बनाए गए नियमों के किसी भंग के कारण संस्थापन का द्वितीय या पश्चात्तुवर्ती निरीक्षण परीक्षा या परीक्षण आवश्यक हो जाता है तो ऐसे द्वितीय या पश्चात्तुवर्ती निरीक्षण, परीक्षा या परीक्षण के लिए फीस इस अनुसूची के स्केल "छ" से "झ" तक में विनिर्दिष्ट फीस की आधी होगी।

(5) खंड (1) से (4) में विनिर्दिष्ट प्रयोजन से भिन्न प्रयोजन के लिए उपभोक्ता या जनता के किसी सदस्य द्वारा अध्यपेक्षित विद्युत निरीक्षक या विद्युत निरीक्षक की सहायता के लिए नियुक्त किसी अधिकारी की सेवाओं के लिए फीस इस अनुसूची के "छ" से "झ" तक में विनिर्दिष्ट रूप में उद्घोषित और स्वामी से संग्रहीत की जाएगी।

(6) विद्युत निरीक्षक को विनिर्दिष्ट विवादों के मामलों में फीस इस अनुसूची के स्केल "ट" में के अनुसार उद्घोषित और उसमें उल्लिखित व्यक्तियों से संग्रहीत की जाएगी।

(7) विद्युत निरीक्षक या विद्युत निरीक्षक की सहायता के लिए किसी अधिकारी की ऐसी सेवाओं के लिए फीस, जिनके लिए उक्त स्केल के "क" से "ट" तक में कोई विनिर्दिष्ट उपबंध नहीं है, इस अनुसूची के स्केल "थ" में यथा-उपबन्धित रूप में उद्घोषित और संग्रहीत की जाएगी।

3. फीस का संदाय :

(1) इस अनुसूची के अधीन मंजूर फीस का संदाय या तो निरीक्षण जांच या परीक्षण के पूर्व या उसके समय, यथा-स्थिति, नई दिल्ली, मद्रास, शिलांग या पणजी, के प्रादेशिक निरीक्षण संगठन के उपनिदेशक, केन्द्रीय विद्युत प्राधिकरण के नाम में नई दिल्ली, मद्रास या शिलांग, या पणजी स्थित किसी अनुसूचित बैंक पर यास या मांस ड्राफ्ट भेजकर संदाय किया जाएगा।



(2) प्राइवेट उपभोक्ताओं से सम्बंधित या उनके नियंत्रण के अधीन संस्थापनों के लिए फीस केवल मांगदेय इापट संवेय होगी। चूँकि स्वीकार नहीं किए जाएंगे : मांग इापट यथा स्थिति संबंधित उपनिदेशक केन्द्रीय विद्युत प्राधिकरण, नई दिल्ली, मद्रास, शिलांग या पणजी के प्रादेशिक निरीक्षण संगठन के पक्ष में होने चाहिए।

(3) यदि किसी कारण से फीस का संदाय निरीक्षण, परीक्षा या परीक्षण से पूर्व या उसके समय नहीं किया जाता है तो फीस का संदाय ऐसे निरीक्षण, परीक्षा या परीक्षण की रिपोर्ट के जारी होने की तारीख से 30 दिन के भीतर किया जाएगा। किसी उपभोक्ता द्वारा विनिर्दिष्ट समय के भीतर या फीस नोटिस में विनिर्दिष्ट तारीख से पूर्व फीस का संदाय न करने की दशा में भारतीय विद्युत नियम, 1956 के नियम 46 के उपनियम (2) के खण्ड (ख) के अधीन कार्यवाही की जाएगी।

#### स्केल "क"

(1) ऐसे किसी विद्युत मोटर के लिए जिसे उच्च या मध्यम दबाव पर ऊर्जा का प्रदाय किया जाता है या किया जाना है या उच्च या मध्यम दबाव पर जिसमें ऊर्जा उपयोग किया जाता है या किया जाना है। भारतीय विद्युत नियम 1956 के अनुसरण में किए गए निरीक्षण, परीक्षा और परीक्षण के लिए :—

शुल्क रु०	प्रत्येक मोटर की क्षमता
1. 30.00	5 हार्स पावर तक और उसे सम्मिलित करके
2. 45.00	5 हार्स पावर से अधिक और 10 हार्स पावर तक और उसे सम्मिलित करके
3. 150.00	10 हार्स पावर से अधिक और 25 हार्स पावर तक और उसे सम्मिलित करके
4. 250.00	25 हार्स पावर से अधिक और 50 हार्स पावर तक और उसे सम्मिलित करके
5. 400.00	50 हार्स पावर से अधिक और 100 हार्स पावर तक और उसे सम्मिलित करके
6. 500.00	100 हार्स से अधिक

#### स्केल "ख"

#### विद्युत उत्पादन केन्द्र

ऐसे किसी विद्युत उत्पादन केन्द्र या किसी अन्य स्थान, जिसमें सौ बोल्ट या अधिक दबाव पर ऊर्जा का उत्पादन किया जाता है या किया जाना है, उत्पादन यूनिट स्विचगीयर पैनलों बस डक्ट्स तथा/अथवा केबलों आदि का भारतीय विद्युत नियम 1956 के अनुसरण में निरीक्षण, परीक्षा या परीक्षण के लिए फीस नीचे लिखे अनुसार उदग्रहीत की जाएगी :

(क) जेनरेटर पर माउंटिंग सहित प्रत्येक विद्युत उत्पादन यूनिट के लिए फीस निम्नानुसार होगी :—

कि.वा. में विद्युत उत्पादन यूनिट की क्षमता फीस (रु.)

(i)	25 कि.वा. तक और उसे सम्मिलित करके	250.00
(ii)	25 कि.वा. से अधिक परन्तु 100 कि.वा. से कम	750.00
(iii)	100 कि.वा. से अधिक परन्तु 500 कि.वा. से कम	1500.00
(iv)	500 कि.वा. से अधिक परन्तु 1000 कि.वा. से कम	2500.00
(v)	1000 कि.वा. से अधिक परन्तु 10,000 कि.वा. से कम	5000.00
(vi)	10,000 कि.वा. से अधिक परन्तु 50,000 कि.वा. से कम	7500.00
(vii)	50,000 कि.वा. से अधिक परन्तु 200,000 कि.वा. से कम	10000.00
(viii)	200,000 कि.वा. से अधिक परन्तु 500,000 कि.वा. से कम	15000.00
(xi)	प्रत्येक अतिरिक्त 100,000 कि.वा. या उसके भाग के लिए	5000.00

टिप्पणी : यदि एक्साईटर अलग से स्थापित किया गया हो तो फीस अलग से देय होगी और मोटर अधिष्ठापन पर भी यही लागू होगी।

(ख) उत्पादन यूनिट को स्विचगीयर के साथ जोड़ने वाले बस डक्ट्स अथवा केबल अथवा दोनों :—

(i)	ई एच वी/एच वी के लिए	250.00 रुपये
(ii)	एम.वी. के लिए	100.00 रुपये
(ग)	प्रत्येक उत्पादन यूनिट के लिए कंट्रोल पैनल :	
(i)	ईएचवी/एचवी	250.00 रुपये
(ii)	एमवी के लिए	100.00 रुपये

(घ) नियंत्रण गीयर सहित अनुभागिकों के नियन्त्रण के लिए मोटर की अधिष्ठापना

#### स्केल "क" के अनुसार

(ड)	सतत बस सहित वितरण पैनलों का एक ब्लाक	
(i)	ईएचवी/एचवी के लिए	250.00 रुपये
(ii)	एमवी के लिए	100.00 रुपये
(घ)	विद्युत गृह को स्विचगीयर अथवा ओवरहेड लाईन से जोड़ने वाले केबल जैसी भी स्थिति हो :	
(i)	ईएचवी/एचवी के लिए	250.00 रुपये
(ii)	एमवी के लिए	100.00 रुपये

(छ) विद्युत केन्द्र का प्रत्येक ट्रांसफार्मर चाहे यह केन्द्र सेवा में हो अथवा वितरण में। चाहे स्टेप अप हो या स्टेप डाउन।

स्केल ग-2 के अनुसार

(ज) ट्रांसफार्मर से स्विचगियर को जाने वाले बाहरी केबिल —

- (i) ई.एच.बी./एच.बी. 250.00 रुपये
- (ii) एम.बी.के लिए 100.00 रुपये
- (झ) बाहरी स्विचयार्ड

स्केल "ग" के अनुसार

(अ) विद्युत उत्पादन केन्द्र में लघु आउटडोर ट्रांसफार्मर प्रतिष्ठापन के मामले में जी.प्रो. स्विच तथा जोड़ने वाले बस लिंक 100.00 रुपये

स्केल "ग"

ग्रिड उपकेन्द्र अथवा बाहरी-स्विचयार्ड

(66 कि. वा. और उससे अधिक)

भारतीय विद्युत नियम के किसी अनुसूचन में किसी भी ग्रिड उपकेन्द्र में किसी उत्पादन केन्द्र के बाहरी स्विचयार्ड में या किसी ऐसे अन्य स्थान पर जिसमें ऊर्जा का रूपांतरण, उपयोग या वितरण किया जाता है अथवा किया जाना है, किसी ट्रांसफार्मर, केबलों, कंट्रोल गियर और अन्य विद्युत उपस्कर और/या गिरोपरि बसों के निरीक्षण परीक्षा या परीक्षण के लिए फीस नीचे दिए गए स्केल के अनुसार उद्ग्रहीत की जाएगी :

(क) ग्रिड उपकेन्द्र या बाहरी स्विचयार्ड में प्रत्येक ट्रांसफार्मर यूनिट के लिए फीस निम्नानुसार होगी :—

प्रत्येक ट्रांसफार्मर यूनिट की क्षमता	फीस (रु०)
(i) 100 के.बी.ए. तक और उसे सम्मिलित करते हुए	250.00
(ii) 100 के.बी.ए. से अधिक किन्तु 500 के.बी.ए. से अनधिक	500.00
(iii) 500 के.बी.ए. से अधिक किन्तु 1000 के.बी.ए. से अनधिक	1000.00
(iv) 1000 के.बी.ए. अधिक किन्तु 5000 के.बी.ए. से अनधिक	1500.00
(v) 5000 के.बी.ए. से अधिक किन्तु 10,000 के.बी.ए. से अनधिक	2500.00
(vi) 10,000 के.बी.ए. से अधिक किन्तु 20,000 के.बी.ए. से अनधिक	3750.00
(vii) प्रत्येक अतिरिक्त 10,000 के.बी.ए. के लिए अथवा उसके भाग के लिए	500.00

(ख) नियंत्रण कक्ष अथवा ग्रिड उपकेन्द्र में पैनल का प्रत्येक ब्लॉक — 50 रु० प्रति क्यूबिकल

(ग) संगोहित बैटरी चार्ज कक्ष जैसा बैटरी कक्ष अधिष्ठापन 500.00 रु० प्रति बैटरी

(घ) एम.बी. वितरण पैनल अथवा स्विचों का एक ब्लॉक — 250.00 रु०

(ङ) सिनक्रोनस कण्डेसर—उपयुक्त माग्नी के अनुसार

(ज) कैपेसिटरों का एक बैक—500.00 रु०

(छ) प्रत्येक मशीन चलाने वाली मोटर—स्केल "क" के अनुसार

(ज) प्रत्येक तड़ित रोधकों सी. पी., टी., सी. पी. टी. पी. और कर्पलिंग कैपेसिटरों का सेट 250.00 रु० प्रत्येक सेट के लिए।

(झ) अपने आईसोलेटरों सहित प्रत्येक बस का सेट 250.00 रु० प्रत्येक सेट

(ञ) प्रत्येक ई. एच. बी. आईसोलेटरों का सेट

(i) 220 के.बी. और अधिक के लिए—500 रु० प्रति सेट

(ii) 220 के.बी. से कम के लिए 250.00 रु० प्रति सेट

(ट) अपने संबद्ध उपस्कर के साथ प्रत्येक ओ.सी.बी. का सेट —

(i) ई.एच.बी. के लिए—1000.00 रु०

(ii) एच.बी. के लिए—500.00 रु०

स्केल "घ"

वितरण उपकेन्द्र

(33/11, 33/416 के.बी. 11/416 के.बी.)

भारतीय बिजली नियम, 1956 के अनुसूचन में किसी भी वितरण उपकेन्द्र, जिसमें नियंत्रण पैनल, आईसोलेटिंग स्विचों, बस-बार आदि सम्मिलित है, के निरीक्षण, परीक्षा, या परीक्षण के लिए फीस नीचे अनुसार उद्ग्रहीत की जाएगी:—

(क) आवक (इनकमिंग) पोल संरचना, जिसमें कोई ट्रांसफार्मर नहीं लगा है परन्तु जिसमें जी.प्रो. स्विच ड्राप आउट फ्यूज तथा तड़ित निरोधक सम्मिलित है

(i) मध्यम बोल्डता के लिए फीस 275.00 रुपये

(ii) 11 के.बी. तक तथा उसे सम्मिलित 500.00 रुपये करके उच्च बोल्डता के लिए फीस

(iii) 11 के.बी. से अधिक उच्च बोल्डता 1000.00 रुपये के लिए फीस

(ख) स्केल "ग-2" के अनुसार उपकेन्द्र में ट्रांसफार्मर।

(ग) नियंत्रण पैनलों का एक ब्लॉक सर्किट 50 रुपये प्रति ब्रेकरों के साथ तथा सतत बस के साथ पैनल

- (घ) पोल संरचना को ट्रांसफार्मर के साथ जोड़ने वाले उच्च वोल्टता केबल 250.00 रुपये
- (ङ) भीतरी (इन्डोर) उपकेन्द्र के सामने के पोल संरचना में नियंत्रण पैनल तक 250.00 रुपये
- (च) केबल नियंत्रण पैनलों का एक सेट 250.00 रुपये
- (छ) नियंत्रण पैनलों में ट्रांसफार्मर तक जाने वाले केबल 250.00 रुपये
- (ज) एक से अधिक पोपको को नियंत्रित करने वाला प्रत्येक वितरण बायस वाक 100.00 रुपये
- (ण) एम.वी. स्विचयार्ड से बाहर जाने वाले शिरोपरि लाइन तक केबल 50.00 रुपये

स्केल—“ड”

चलचित्रदर्शी नियमों के अनुसार किसी चलचित्रदर्शी उपस्करों और सार्वजनिक मनोरंजन के किसी स्थान में किसी अन्य विद्युत प्रतिष्ठान, उपकरण या उपस्कर के निरीक्षण, परीक्षा या परीक्षण के लिए :—

(क) खण्ड (घ) में निर्दिष्ट सार्वजनिक मनोरंजन के किसी अन्य अस्थायी स्थान में चल सिनेमा को छोड़कर किसी सिनेमा या थियेटर में किसी विद्युत प्रतिष्ठान, उपकरण या उपस्कर के प्रारंभिक निरीक्षण, परीक्षा या परीक्षण के लिए—

1000.00 रुपये

(ख) खंड (क) में विनिर्दिष्ट सिनेमाओं या थियेटरों में प्रतिष्ठापना उपकरण या उपस्कर के प्रत्येक उत्तरवर्ती वार्षिक निरीक्षण, परीक्षा या परीक्षण के लिए — 500 रुपये

(ग) खंड (क) में निर्दिष्ट किसी सिनेमा या थियेटर में विद्युत प्रतिष्ठान के प्राधिकृत परिवर्धन या परिवर्तन के निरीक्षण, परीक्षा या परीक्षण के लिए — 100.00 रुपये

(घ) (i) चल सिनेमा या सार्वजनिक मनोरंजन के किसी अन्य अस्थायी स्थान में किसी विद्युत प्रतिष्ठान, उपकरण या उपस्कर के निरीक्षण, परीक्षा या परीक्षण के लिए — 500.00 रुपये

(ii) ऐसे सिनेमा या सार्वजनिक मनोरंजन के किसी स्थान में कालिक या परिसर के स्थान में किसी परिवर्तन के कारण आवश्यक हुए किसी विद्युत प्रतिष्ठान, उपकरण या उपस्कर के किसी प्रत्येक पश्चात्तवर्ती निरीक्षण, परीक्षण या परीक्षण के लिए — 250.00 रुपये

(ङ) प्रतिष्ठापन, उपकरण या उपस्कर के परिवर्तन के कारण आवश्यक हुए किसी चल या अस्थायी सिनेमा या सार्वजनिक मनोरंजन के किसी अन्य अस्थायी स्थान में, विद्युत प्रतिष्ठापन, उपकरण या उपस्कर निरीक्षण, परीक्षा या परीक्षण के लिए, जो सार्वजनिक मनोरंजन के स्थायी स्थान संबंधी नियमों और विनियमों के अनुरूप है — 500.00 रुपये

स्केल — “ब”

अनुसूच तथा कारखाने

कारखाना अधिनियम, 1948 (1948 का 63) के अन्तर्गत आने वाले किसी कारखाने, जिसे किसी लाइसेंसधारी द्वारा विद्युत की आपूर्ति की जाती है या जहां विद्युत उत्पादन की जाती है, के संबंध में भारतीय विजली नियम, 1956 (विद्युत उत्पादन स्टेसन या ग्रिड सब-स्टेशन या वितरण सब-स्टेशन को छोड़कर) के अनुसरण में किसी विद्युत अधिष्ठापन उपकरण या उपस्कर के निरीक्षण, परीक्षा या परीक्षण के प्रयोजनार्थ जिसके लिए स्केल “ख” की मद (क), स्केल “ग” की मद (ख) और स्केल “घ” की मद (क) के अन्तर्गत अलग से प्रभार वसूल किया जाएगा।

(क) विजली या विद्युत से भिन्न अन्य प्रयोजनों अथवा प्रकाश व्यवस्था के लिए, बशर्ते कि किसी ऐसे कारखाने में जो कारखाना अधिनियम, 1948 (1948 का 63) की परिधि में नहीं आता है, किसी विद्युत प्रतिष्ठापन, उपकरण या उपस्कर की दायन शय मद के अधीन कोई फीस नहीं ली जाएगी।

फीस (रुपये) संबंध भार या उसके भाग के लिए 50 रुपये प्रति किलोवाट परन्तु यह 500 रुपये से अधिक नहीं होगी।

(बशर्ते कि किसी कारखाना या वर्कशॉप में कारखाना के अगुने के अन्तर सम्बद्ध भार निर्धारित करने के लिए प्रत्येक अलग भवन अथवा ग्रैड की एक यूनिट माना जाएगा)

(ख) स्टार्टर सहित प्रत्येक मोटर के लिए स्केल “क” के अनुसार

(ग) एक से अधिक मोटरों के लिए 50.00 रुपये विद्युत सप्लाई कर रही वितरण प्रणाली के लिए

(घ) विद्युत उत्पादन केन्द्र, ग्रिड उपकेन्द्र स्केल “ख” से या वितरण उप केन्द्र, जिनमें “घ” के अनुसार उर्जा की उत्पादन या रूपांतरण या वितरण किया जाएगा।

(ङ) शिरोपरि ट्रैबलिंग ग्रेनों के लिए :—

(i) मुख्य स्विच बोर्ड, रेलें तथा केबिन — 500.00 रुपये

(ii) मोटर यूनिट स्केल “क” के अनुसार स्केल “ड”

उपभोक्ताओं को विद्युत की सप्लाई

(क) उपभोक्ताओं को अतिरिक्त उच्च वोल्टता पर विद्युत सप्लाई :

अतिरिक्त उच्च वोल्टता वाले उपभोक्ताओं को विद्युत सप्लाई करने वाली लाइनों तथा उपकेन्द्रों का निरीक्षण

करने के लिए पीस स्केल "क" तथा स्केल "ग" के अनुसार जो भी लागू हो, वसूल की जाएगी।

(ख) उच्च वोल्टता वाले उपभोक्ताओं को बिद्युत सप्लाई :

आवक संरचना के लिए पीस स्केल "घ" के अन्तर्गत निर्धारित स्केल के अनुसार उद्ग्रहीत की जानी है और यदि उपभोक्ता के अहाते में उपकेन्द्र स्थापित किया जाना है तो पीस स्केल "ग" के अनुसार होनी। लाइनों/केबिलों के निरीक्षण के लिए पीस स्केल "क" में निर्धारित की गई पीस के अनुसार उद्ग्रहीत की जाएगी।

(ग) मध्यम वोल्टता वाले उपभोक्ताओं को बिद्युत सप्लाई :

मध्यम वोल्टता तथा निम्न वोल्टता सेवा 30.00 रुपये वनैशनों के लिए

(घ) बहु-मंजिली इमारतें :

(i) प्रत्येक मध्यम वोल्टता वाले वितरण बोर्ड के लिए पीस 30.00 रुपये

(ii) प्रकाश/पंखा/भार प्रति किलोवाट सम्बद्ध भार या उसके भाग के लिए 30.00 रुपये

(iii) लिफ्टों के मामले में उद्ग्रहीत की जाने वाली पीस नीचे लिखे अनुसार होवी :- 150.00 रुपये नियंत्रण पैनल/बोर्ड स्केल "क" के मोटर यूनिट अनुसार

(ङ) आकाशवाणी/दूरदर्शन :-

आकाशवाणी दूरदर्शन के मामले में उद्ग्रहीत की जाने वाली पीस नीचे लिखे अनुसार होगी :

(i) प्रत्येक ट्रांसमीटर पैनल — 500 रु० प्रति पैनल

(ii) अभिग्रहण केन्द्र — 250 रु० (न्यूनतम)

(च) एक्स-रे संयंत्र :

एक्स-रे संयंत्र के निरीक्षण के लिए उद्ग्रहीत की जाने वाली पीस नीचे लिखे अनुसार होगी :-

(i) पहले 10 के. वी. ए. — 90.00 रुपये

(ii) इससे अधिक के. वी. ए. के लिए — 15.00 रुपये

(छ) निआम लाईन बोर्ड :

निआम लाईन बोर्डों के निरीक्षण के लिए उद्ग्रहीत की जाने वाली पीस नीचे लिखे अनुसार होगी : 400 के. वी. ए. तक न्यूनतम 150 रुपये अतिरिक्त प्रत्येक के. वी. ए. उसके भाग के लिए 15/- रुपये।

स्केल "अ"

टावरस और क्रसिंग

टेलीग्राफ/टेलीफोन या अन्य तार लाइनों आदि के ऊपर टावरों, क्रसिंगों और तार लाइनों के क्रसिंग जिसमें वेयर कन्टेक्टर शामिल हैं तथा टावरों के निरीक्षण, परीक्षा या परीक्षण के लिए :-

(क) ईएचवी लाईन में प्रत्येक टावर — 250 रु० प्रति (66 के. वी. और उससे ऊपर) टावर

(ख) प्रत्येक क्रसिंग, सड़क क्रसिंग, डाक-तार लाईन के ऊपर क्रसिंग तथा अन्य विद्युत लाइनों नवी क्रसिंग या इमारतों के ऊपर क्रसिंग

(i) .. ईएच वी लाईनें 250.00 रुपये प्रति क्रसिंग

(ii) मध्यम वोल्टता लाईन 50.00 रुपये प्रति क्रसिंग

स्केल "क"

तार लाईनें और केबिलें

1. भारतीय विद्युत नियम, 1956 के अनुसरण में शिरोपरि (ओवरहेड) लाइनों टी ऑफ प्वाइंट्स विभाजित करने वाले प्वाइंट्स या परिवहन प्वाइंट्स के निरीक्षण, जांच या परीक्षण के लिए उद्ग्रहीत की जाने वाली पीस नीचे लिखे अनुसार होगी :-

(क) (i) अतिरिक्त उच्च वोल्टता सर्किट की लम्बाई तार लाइनें या केबिल के प्रति 5 किलोमीटर (33 के. वी. से अधिक) अथवा उसके भाग के लिए 250 रुपये

(ii) 33 के. वी. से कम वोल्टता सर्किट की लम्बाई के वाली उच्च वोल्टता तार प्रति 5 कि. मी. अथवा लाइनों या केबिलों के उसके भाग के लिए 150/- रुपये

(iii) मध्यम तथा निम्न वोल्टता सर्किट की लम्बाई के वाली शिरोपरि तार लाइनें प्रति 5 कि. मी. और केबिलें अथवा उसके भाग के लिए 100/- रुपये

(ख) टी ऑफ प्वाइंट परिवहन तथा विभाजित करने वाले प्वाइंट्स

क. उच्च वोल्टता 100 रु. प्रति प्वाइंट

ख. मध्यम वोल्टता 50 रु. प्रति प्वाइंट

(ग) बूस्टर तथा संघारित बैंक : 100/- रुपये

टिप्पणी : (1) डबल सर्किट लाइनों को केबल सिंगल सर्किट लाइनों के रूप में ही माना जाएगा।

- (2) फीस का भुगतान यथा स्थिति लाईन के स्वामी या लाइसेंसधारी द्वारा किया जाएगा।  
स्केल "ट"

भारतीय विद्युत नियम, 1956 के नियम 82 के उप-नियम (3) के अधीन निरीक्षण या प्रमाण पत्र जारी करने के लिए  
— 250/- रुपये

किसी भी विद्युत ट्रैक्शन प्रणाली जिसमें ट्रांज़ी तार और शिरोपरि उपस्कर सम्मिलित हैं और बाइडिंग तथा लिंकेज करंट के निरीक्षण परीक्षण अथवा जांच के लिए

— प्रतिदिन या उसके एक भाग के लिए 500/- रुपये

#### स्केल "ठ"

1. भारतीय विद्युत अधिनियम, 1910 (1910 का 9) की धारा 26 की उपधारा (6) और (7) के अधीन मीटर और अन्य साधनों के परीक्षण और उनकी विशुद्धता के बारे में निर्णय लेने के लिए :

(क) निम्न भाव के मीटर को प्रयोगशाला में परीक्षण के लिए :

(i) 50 एम्पियर की क्षमता और उसे सम्मिलित करके :

- निम्न दबाव वाले संस्थापनों के लिए — 75/- रुपये
- मध्य दबाव वाले संस्थापनों के लिए — 100/- रुपये
- उच्च दबाव वाले संस्थापनों के लिए — 125/- रुपये

(ii) 50 एम्पियर से अधिक किन्तु 200 एम्पियर से कम :

- निम्न दबाव वाले संस्थापनों के लिए — 100/- रुपये
- मध्यम दबाव वाले संस्थापनों के लिए — 125/- रुपये
- उच्च दबाव वाले संस्थापनों के लिए — 250 रुपये

(iii) 200 एम्पियर से अधिक क्षमता के लिए :

- निम्न दबाव वाले संस्थापनों के लिए — 175/- रुपये
- मध्यम दबाव वाले संस्थापनों के लिए — 200/- रुपये
- उच्च दबाव वाले संस्थापनों के लिए — 250/- रुपये

टिप्पणी : (1) अनुज्ञप्तिधारी अपने खर्च पर विवाद ग्रस्त मीटर निरीक्षण प्रयोगशाला में वेगा और उसे वहां से वापिस लेगा।

(2) स्थल पर मीटर के परीक्षण की अपेक्षा करने वाले अनुज्ञप्तिधारी या उपभोक्ता को अग्रिम में यात्रा भत्ता के प्रभार का संदाय निरीक्षण अधिकारी को करना होगा।

(3) परीक्षण केवल ऐसे ही मीटरों का किया जाएगा जिनके लिए सुविधाएं उक्त निरीक्षण में उपलब्ध होंगी। अन्य मामलों में यदि व्यवस्थाएं संभव हों तो विहित फीस के अलावा वास्तविक खर्च भी उठाने होंगे।

(ख) फीस का अग्रिम भुगतान मामला निविष्ट करने वाले पक्षकार द्वारा लिया जाएगा किन्तु विद्युत निरीक्षण या विद्युत निरीक्षक की सहायता के लिए नियुक्त अन्य कोई अधिकारी भारतीय विद्युत नियम, 1956 के नियम 8 के अधीन यह निर्णय लेगा कि किसके द्वारा ऐसी फीस, यात्रा भत्ता प्रभार और मीटर के देने और लेने में उपगत खर्च उठाया जाएगा।

टिप्पणी : स्केल "ठ" के खंड (1) के प्रयोजन के लिए मीटर और अन्य साधनों की क्षमता का विनिश्चय करने में, घंटों या चालू ट्रांसफार्मरों की प्रथम साईड की क्षमताओं की, जहां कहीं वे मीटरों या अन्य साधनों के साथ उपयोग में किए जाने हैं, संगणना की जाएगी।

#### स्केल "ड"

किसी वितरण मुख्य या मध्य या उच्च वोल्टता वाली आंतरिक वायरिंग की सर्विस लाईन में उसमें क्षरण की खोज के लिए, जिसका परिणाम विद्युत उपपटन या जल, गैस या अन्य पार्श्व या उससे संबंधित किसी उपकरण में कोई अन्य क्षति हो सकती है, किए जाने वाले निरीक्षण, परीक्षण या परीक्षणों के लिए फीस :

प्रथम घंटे या उसके भाग के लिए 200 रुपये और तत्पश्चात् प्रति घंटे या उसके भाग के लिए 100 रुपये

यदि ऐसे किसी मुख्य वितरण या सर्विस लाईन में किसी क्षरण की खोज कर ली जाती है तो फीस का भुगतान लाइसेंसधारी या वितरण मुख्य या सर्विस लाईन के स्वामी द्वारा जैसा भी मामला हो, किया जाएगा।

यदि क्षरण की खोज नहीं हो पाती है तो फीस का भुगतान जल, गैस या अन्य पार्श्व या उनसे संबंधित के स्वामी द्वारा किया जाएगा।

#### स्केल "ड"

(क) भूमि पर क्षरण के लिए अधिष्ठापना

परीक्षण के लिए — 50 रुपये

— आवेदन करने वाले पक्षकार द्वारा फीस का भुगतान किया जाएगा।

#### स्केल "घ"

(क) किसी भी अधिष्ठापना में भू-क्षरण का स्थान निर्धारित करने के लिए

प्रथम घंटे या उसके भाग के लिए 50 रुपये और तत्पश्चात् प्रति घंटे या उसके भाग के लिए 25 रुपये

#### स्केल "च"

भारतीय विजली अधिनियम, 1910 (1910 का 9) की अनुसूची की धारा 41(4), 26(4), या 26(6) या खंड 5 (2) या 6(3) के अधीन उत्पन्न किसी मतभेद या

विवाद के मामले जो कि निरीक्षक को निर्दिष्ट किए गए हैं में निर्णय लेने के लिए

निम्नलिखित टिप्पण के  
अधीन रहते हुए प्रत्येक  
निर्णय के लिए 250 रुपये

स्केल "य"

(ख) फीस का भुगतान विचार निर्दिष्ट करने वाले पक्ष-कार द्वारा अधिम में किया जाएगा किन्तु अन्त में यह उस व्यक्ति द्वारा उठाया जाएगा जिसके विषय निर्णय दिया जाए :

परन्तु उक्त अधिनियम की धारा 26(6) के अधीन निर्णय हेतु विद्युत निरीक्षक को निर्दिष्ट किए गए मतभेद या विवाद के मामले में, स्केल "2" के अनुसार मीटर के निरीक्षण के लिए अतिरिक्त फीस वसूल की जा सकती है ।

(ग) प्रत्येक सुनवाई और इस संबंध में आवश्यक निरीक्षण के लिए फीस प्रभाव होगी ।

[फा. सं. 27/10/94-डी (एसईबी)]

पी. आई. सुवरतन, संयुक्त सचिव

New Delhi, the 18th November, 1998

S.O. 2512.—In exercise of the powers conferred by sub-rule (2) of rule 7 of the Indian Electricity Rules, 1956 and in supersession of order of the Government of India in the Ministry of Energy No. S.O. 701 dated the 31st January, 1981, the Central Government hereby directs that fee, for testing and inspection and generally the services of Electrical Inspectors or any officers appointed to assist the Electrical Inspectors in respect of the union territories and the various departments of the Central Government, shall be levied at the rates as specified in the Schedule annexed to this order, and the rates of such fee shall remain in force for five years from the date of publication of this notification in the 1999-2000 Official Gazette.

## THE SCHEDULE

### FEES PAYABLE FOR THE SERVICES OF ELECTRICAL INSPECTORS OR ANY OFFICER APPOINTED TO ASSIST THE ELECTRICAL INSPECTORS FOR UNION TERRITORIES AND CENTRAL GOVERNMENT DEPARTMENTS

1. Definitions : In this Schedule "owner" includes an occupier of any building, place, carriage or vessel in which energy is or is about to be, generated, received or used.

2. Levy of fees : (1) Fees for initial or periodical inspection and testing made under the provisions of the Indian Electricity Act, 1910 (9 of 1910) and the rules made thereunder, shall be levied at the rates

specified in Scales 'A' to 'D' of this Schedule and collected from the owner :

Provided that in the case of a second or subsequent inspection, and testing within a period of twelve months from the date of first inspection, examination or test—

(a) One half of the fees specified in the said scale "A" to "D" shall be levied if, in the opinion of the Electrical Inspector or any officer appointed to assist the Electrical Inspector the second or subsequent inspection and testing is necessitated by the neglect or failure of the owner to carry out within a stipulated time, any written instructions of the said Inspector or officer or by a breach of any of the provisions of the said Act or the rules made thereunder, and

(b) no fees shall be levied if the second or subsequent inspection or test is not so necessitated.

(2) Fees for initial or periodical inspection, examination or testing of cinematograph apparatus and other public places of entertainment and for addition or alternation made therein, shall be levied at the rates specified in Scale 'E' of this Schedule and collected from the owner.

(3) Fees for initial or periodical inspection, examination or testing of installations in factories shall be levied at the rates specified in scale 'F' of this Schedule and collected from the owner.

(4) Fees for initial inspection, examination or testing of aerial lines and cable made under the provisions of the Indian Electricity Act, 1910 (9 of 1910) and the rules made thereunder shall be levied at the rates specified in scales 'G' to 'I' of this Schedule and collected from the owner. :

Provided that, if in the opinion of the Electrical Inspector or any officer appointed to assist the Electrical Inspector a second or subsequent inspection and testing of the installation is necessitated by the neglect or failure of the owner. The telephone authority or the owner as the case may be, to carry out within stipulated time, any written instructions of the said Inspector or any officer appointed to assist the Electrical Inspector or by a breach of any of the provisions of the Indian Electricity Act, 1910 or the rules made thereunder the fee for such second or subsequent inspection and testing shall be one-half of the fee specified in Scales 'G' to 'I' of this Schedule.

(5) Fee for the services of any Electrical Inspector or any officer appointed to assist the Electrical Inspector requisitioned by consumer or by a member of the public for purpose other than those specified in clauses (1) to (4) shall be levied at the rates specified in Scales 'J' to 'O' of this Schedule and collected from the owner.

(6) Fee in case of disputes referred to the Electrical Inspector shall be levied and collected from the persons mentioned in Scale 'P' of this Schedule.

(7) Fees of the services of the Electrical Inspector or any officer appointed to assist the Electrical Inspector not specifically provided for in the said Scale 'A' to 'P' shall be levied and collected as provided in Scale 'Q' of this Schedule.

### 3. PAYMENT OF FEES

(1) The fees payable under this Schedule shall be paid either prior to or at the time of inspection or tests by sending cross cheque or demand draft on any Scheduled Bank at New Delhi, Madras, Shillong or Panaji, drawn in favour of Deputy Director, Central Electricity Authority, Regional Inspectorial Organisation, New Delhi, Madras, Shillong or Panaji, as the case may be.

(2) For the installations belonging to and under the control of private consumers, the fee shall be payable by demand draft only. The cheques shall not be accepted. The demand draft may be drawn in favour of the concerned Deputy Director, Central Electricity Authority, Regional Inspectorial Organisation, New Delhi, Madras, Shillong or Panaji as the case may be.

(3) If for any reason, the fee is not paid either prior to or at the time of inspection or test, such fees shall be paid within 30 days from the date of issue of report of such inspection and testing. In the event of the failure of any owner to pay the fees within the specified time or before the date specified in fee-notice action shall be taken under clause (b) of sub-rule (2) of rule 46 of the Indian Electricity Rules, 1956.

#### SCALE 'A'

For inspection and testing in pursuance of the Indian Electricity Rules, 1956 for any electrical motor to which energy is or is about to be supplied or used at high and medium voltage.

Capacity of each motor	Fee (Rs.)
(i) Upto and including 5 HP	30.00
(ii) Exceeding 5 HP and upto and including 10 HP	45.00
(iii) Exceeding 10 HP and upto & including 25 HP	150.00
(iv) Exceeding 25 HP and upto & including 50 HP	250.00
(v) Exceeding 50 HP and upto & including 100 HP	400.00
(vi) Exceeding 100 HP	500.00

#### SCALE 'B'

#### GENERATING STATIONS

For inspection and testing in pursuance of provisions of the Indian Electricity Rules, 1956 of any generating unit, switchgear panels, bus ducts or cables or both on any generating station or any other place, in which energy is, or is about to be generated at a voltage of hundred volts or more. The fees to be levied is as shown below:

(a) For each generating unit along with mountings on the generator the fees shall be as follows:

Capacity of the generating unit installed in KW	Fees (Rs.)
(i) Upto and including 25 KW	250.00
(ii) Exceeding 25 KW but not exceeding 100 KW	750.00
(iii) Exceeding 100 KW but not exceeding 500 KW	1500.00
(iv) Exceeding 500 KW but not exceeding 1000 KW	2500.00
(v) Exceeding 1000 KW but not exceeding 10000 KW	5000.00
(vi) Exceeding 10000 KW but not exceeding 50000 KW	7500.00
(vii) Exceeding 50000 KW but not exceeding 200000 KW	10000.00
(viii) Exceeding 200000 KW but not exceeding 500000 KW	15000.00
(ix) For each additional 100000 KW or part thereof	5000.00

Note : If the excitor is grounded separately then separate fee shall be payable and the same shall be as for a motor installation.

(b) Bus ducts or cables or both connecting generating unit to the switchgear :—

(i) for EHV/HV	Rs. 250.00
(ii) for MV	Rs. 100.00

(c) The control panel of each generating unit—

(i) for EH HV	Rs. 250.00
(ii) for MV	Rs. 100.00

(d) Each motor installation for controlling auxiliaries along with its control gear.

As per Scale 'A'

(e) One block of distribution panels with continuous bus—

(i) for EHV/HV	Rs. 250.00
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(ii) for MV Rs. 100.00

(f) Cables connecting the power house to the switch gear or the overhead line as the case may be—

(i) for EHV/HV Rs. 250.00

(ii) for MV Rs. 100.00

(g) Each transformer in a power station either in station service or in distribution whether step-up or step-down.

As per Scale 'C-2'

(h) Outgoing cable from a transformer to the switchgear—

(i) for EHV/HV Rs. 250.00

(ii) for MV Rs. 100.00

(i) Outdoor switchyard.

As per Scale 'C'

(j) G.O. switches and the connecting bus links in case of a small outdoor transformer installation in a generating station—Rs. 100.00

#### SCALE 'C'

#### GRID SUBSTATION OR OUTDOOR SWITCHYARD

(66 KV and above)

For inspection and testing, in pursuance of the Indian Electricity Rules, 1956, of any transformer, cables, control gear and other electrical equipment and/or overhead buses in a grid substation, outdoor switchyard in generating station or in any other place in which energy is or is about to be transformed, used or distributed, the fee shall be levied as per scale given below:

(a) For each transformer unit in a grid substation, or outdoor switchyard, the scale of fee shall be as given in the following table:—

Capacity of each transformer unit	Fee (Rs.)
(i) Upto and including 100 KVA	250.00
(ii) Exceeding 100 KVA but not exceeding 500 KVA	500.00
(iii) Exceeding 500 KVA but not exceeding 1000 KVA	1000.00
(iv) Exceeding 1000 KVA but not exceeding 5000 KVA	1500.00
(v) Exceeding 5000 KVA but not exceeding 10000 KVA	2500.00
(vi) Exceeding 10000 KVA but not exceeding 20000 KVA	3750.00
(vii) For each addl. 10,000 KVA or part thereof	500.00

(b) Each block of panels in a control room or the grid substation—Rs. 50.00 per cubicle.

(c) The battery room installation like rectified battery charges—Rs. 500.00 per battery room.

(d) One block of MV distribution panels or switches—Rs. 250.00

(e) Synchronous condensers—as per table above.

(f) One bank of capacitors—Rs. 500.00

(g) Each motor running a machine—As per scale 'A'.

(h) Each set of lightening arrestors, CTs, PTs, CVTs and coupling capacitors—Rs. 250.00 for each set.

(i) Each set of buses inclusive of its isolators—Rs. 250.00 per set.

(j) Each set of EHV isolators—

(i) for 220 KV and above—Rs. 500.00 per set.

(ii) for below 220 KV—Rs. 250.00 per set.

(k) Each set of OCBs along with its associated equipment—

(i) for EHV—Rs. 1000.00

(ii) for HV—Rs. 500.00

#### SCALE 'D'

#### DISTRIBUTION SUB-STATIONS

(33/11 KV, 33/416 KV, 11/416 KV)

For inspection, examination or testing in pursuance of the Indian Electricity Rules, 1956 of a distribution substation inclusive of control panels, isolating switches, bus bars etc. the fee to be levied shall be as follows:

(a) Incoming pole structure having no transformer but including GO switches, drop out fuses and lightening arrestors

(i) Fee for medium voltage—Rs. 275.00

(ii) Fee for high voltage upto and including 11 KV—Rs. 500.00

(iii) Fee for high voltage exceeding 11 KV—Rs. 1000.00

(b) The transformer in the substations as per scale C (b).

(c) One block of control panels with circuit breakers and with continuous bus—Rs. 50.00 per panel.

(d) HT cables connecting the pole structure with the transformer—Rs. 250.00

(e) In case of indoor substation cable from the pole structure to the controls panels—Rs. 250.00

(f) A set of control panels—Rs. 250.00



(g) Cables going from the control panels to the transformer—Rs. 250.00

(h) Each distribution box controlling more than one feeder—Rs. 100.00 per box

(i) Cables from MV switch board to the outgoing overhead line—Rs. 50.00 per cable.

#### SCALE 'E'

For an inspection, examination or testing of the enclosure the cinematograph apparatus as per cinematograph rules and any other electric installation, an appliance or apparatus in any place of public entertainment :—

(a) For the initial inspection, examination or testing of any electric installation, appliance or apparatus in a cinema or a theatre other than a travelling cinema or other temporary place of public entertainment referred to in clause (d)—Rs. 1000.00

(b) For every subsequent annual inspection, examination or testing of the installation, appliance or apparatus, in cinemas or theatres referred to in clause (a)—Rs. 500.00

(c) For an inspection, examination or testing of an authorised addition or alteration to the electric installation in cinema or a theatre referred to in clause (a)—Rs. 100.00

(d)(i) For an inspection, examination or testing of any electric installation, appliance or apparatus in a travelling cinema or other temporary place of public entertainment —Rs. 500.00

(ii) For every subsequent inspection, examination or testing of any electric installation, appliance or apparatus in such cinema or place of public entertainment periodical or necessitated on account of change of place of premises—Rs. 250.00

(e) For an inspection, examination or testing of electric installation, appliance or apparatus in a travelling or temporary cinema or other temporary place of public entertainment necessitated on account of a change of installation, appliance or apparatus so as to conform to the rules and regulations for permanent places of public amusement—Rs. 500.00

#### SCALE 'F'

#### PLANTS AND FACTORIES

For inspection-examination or testing of any electrical installation, appliance or apparatus in pursuance of the Indian Electricity Rules, 1956 (other than generating station or grid substation or a distribution substation) for which a separate fee shall be charged under item (a) of Scale B, item (b) of scale C and item (a) of scale D for a factory within the meaning of the Factories Act, 1948 (63 of 1948) to which the energy is supplied by a licensee or in which energy is generated.

(a) For lighting or purposes other than power provided that no fees under this item shall be charged in respect of electrical installation, appliance or apparatus in any factory which does not come under the purview of the Factories Act, 1948 (63 of 1948).  
Rs. 50.00/KW of connected load or part thereof subject to a max. of Rs. 500.00.

(Provided that each separate building or shed in a factory or workshop within the factory premises shall be treated as one unit for determining the connected load).

(b) For each motor with starter as per Scale 'A'

(c) Distribution system for supplying power to more than one motor. Rs. 50/-

(d) For generating stations, grid sub-stations or distribution sub-station in which energy is or is about to be generated or transformed or distributed. As per scale 'B' to 'D'

(e) For overhead travelling cranes:

(i) Main switch board, rails and cabins. Rs. 500.00

(ii) Motor Unit As per scale 'A'

#### SCALE 'G'

#### POWER SUPPLY TO CONSUMERS

(a) EHV Power supply to consumers:

For inspection of power supply lines to the EHV consumers and the sub-stations, the fee to be charged shall be as per scale 'I' and scale 'C' as may be applicable.

(b) Power Supply to HV consumers:

The incoming structure to be charged as per scale laid down under scale 'D' and if the sub-station is to be put up at the consumer's premises, the fees shall be as per Scale 'C'. The charge for inspection fee for lines cables shall be as laid down in Scale 'I'.

(c) Power supply to MV consumers:

For medium voltage or low voltage service connection. Rs. 30/-

(d) Multi-storeyed buildings:

(i) fee for each MV distribution board. Rs. 30/-

- (ii) lighting/fan/load Rs. 30/- per KW connected load or part thereof.

## SCALE 'I'

## AERIAL LINES AND CABLES

For inspection, examination or testing of overhead lines, tee off points, sectionalising points or transportation points, in pursuance of the Indian Electricity Rules, 1956, the fee to be levied shall be as follows:

- (iii) in case of lifts, the fee to be levied shall be as follows:  
Controlling panels/boards. Rs. 150/-  
Motor Unit As per scale 'A'

## (e) All India Radio/Doordarshan:

In case of AIR/Doordarshan, the fee to be levied shall be as follows:

- (i) each transmitter panel Rs. 500/- per panel  
(ii) receiving station Rs. 250/- (minimum)

## (f) X-Ray Plants:

Fee to be levied on inspection of X-ray plants shall be as follows:

- (i) First 10 KVA Rs. 90/-  
(ii) for each KVA in excess thereof. Rs. 15/-

## (g) Neon-signs

The fee to be levied for inspection of neon-signs shall be Minimum Rs. 150 upto 400 KVA  
Rs. 15/- per each KVA or part thereof in excess

## SCALE 'H'

## TOWERS AND CROSSINGS

For inspection, examination or testing of towers, crossing of aerial lines comprising of bare conductors, towers and crossings over a telegraph/telephone or other aerial lines etc.

- (a) each tower in an EHV line (66 KV and above) Rs. 250/- per tower
- (b) each crossing, road crossing, (i) EHV/HV line crossing over P&T lines Rs. 250/- per crossing  
and other power lines,  
river crossing or crossing (ii) MV line Rs. 50 - per crossing  
over buildings.

- (a) (i) EHV aerial lines or cables (above 33 KV) Rs. 250/- per 5 kms. Of circuit length or part thereof

- (ii) For HV aerial lines or cables at voltage below 33 KV Rs. 150/- per 5 kms of circuit length or part thereof

- (iii) Overhead aerial lines or cables of medium and low voltage. Rs. 100/- per 5 kms. of circuit length or part thereof

- (b) Tee off point, transposition and sectionalising points:

(i) HV—Rs. 100/- per point

(ii) MV—Rs. 50/- per point

- (c) Booster and capacitors banks : Rs. 100/-

NOTE: (1) Double circuit lines to be treated on the basis of single circuit lines only.

- (2) The fee shall be paid by the owner of the line or the licensee as the case may be.

## SCALE 'J'

For inspection or issue of certificate under sub-rule (3) of rule 82 of the Indian Electricity Rules 1956. Rs. 250/-

## SCALE 'K'

For an inspection or examination of any electric traction system including trolley wires and overhead equipment and test of bonding and leakage current. Rs. 500/- a day or part thereof

## SCALE 'L'

For testing and giving a decision on the accuracy of metres and other apparatus under sub-section (6) and (7) of section 26 of the Indian Electricity Act, 1910 (9 of 1910).

(a) For testing in the laboratory a meter of description:

(i) Upto and including a capacity of 50 amps:

—for low pressure Rs. 75/-  
installations

—for medium pressure Rs. 100/-  
installations

—for high pressure Rs. 125/-  
installations

(ii) for a capacity exceeding 50 amps but not exceeding 200 amps:

—for low pressure Rs. 100/-  
installations

—for medium pressure Rs. 125/-  
installations

—for high pressure Rs. 150/-  
installations

(iii) For a capacity exceeding 200 amps:

—for low pressure Rs. 175/-  
installations

—for medium pressure Rs. 200/-  
installations

—for high pressure Rs. 250/-  
installations

Note (1) The licensee shall deliver the disputed meter in the Laboratory at his own cost and receive back the same from there.

(2) The licensee or the consumer requiring the meter to be tested on site shall have to pay in advance the TA charges for the inspecting officer.

(3) The test will be undertaken only of such meters for which facilities will be available in the said inspectorate. In other cases if arrangement be possible elsewhere, actual expenses in addition to the prescribed fee shall have to be borne

(b) The fees shall be paid in advance by the party referring the case, but the Electrical Inspector or any other officer appointed to assist the Electrical Inspector shall decide under rule 8 of the Indian Electric

city Rules, 1956 by whom such fee, T.A. charges and the expenses incurred in delivering and taking back the meter shall be borne.

Note: In deciding the capacity of meters and other apparatus for the purpose of clause (1) of scale 'L' the capacities shall be reckoned as those of the primary sides of the current transformers wherever these are used with the meters or other apparatus.

#### SCALE 'M'

For inspection and testing of Rs. 200/- for the  
any main, distribution mains or first hour or part  
service line internal wiring of thereof  
medium and high voltage for Rs. 100/- for next  
the discovery of leakage there- hour or part  
in which may result in electro- thereof  
lysis or injury to any water,  
gas or other pipe or any  
appliance connected  
therewith

—If any leakage is discovered in any such main distributing main, or service line, the fee shall be paid by the licensee or the owner of the main, distributing main, or service lines as the case may be.

—If no leakage is discovered, the fee shall be paid by the owner of the water, gas or other pipe or of the appliance connected therewith.

#### SCALE 'N'

(a) For the testing of an Rs. 50/-  
installation for leakage to  
earth.

—The fee shall be paid by the Party making such application.

#### SCALE 'O'

(a) For localing of leakage Rs. 50/- for first  
to earth in any hour or part  
installation. thereof.  
Rs. 25/- for next  
hour or part  
thereof.

## SCALE 'P'

For deciding any case of difference or dispute arising under section 41(4), 26(4) or 26(6) of or clause V(2) or VI(3) of the Schedule to the Indian Electricity Act, 1910 (9 of 1910) referred to the Inspector.

Rs. 250/- per decision

(b) The fee shall be paid in advance by the party referring the dispute, but will be borne finally by the person against whom the decision is given.

Provided that in the case of difference or dispute referred to the Electrical Inspector for being decided under Section 26(6) of the said Act, an additional fee for the testing of a meter in accordance with Scale 'L' shall be recoverable.

(c) The fee shall be chargeable in respect of each hearing and each inspection necessitated in this connection.

[F. No. 27/10/94-D(SEB)]  
P.I. SUVRATHAN, Jt. Secy.

दिल्ली विकास प्राधिकरण

(मुख्य योजना अनुभाग)

सार्वजनिक सूचना

नई दिल्ली, 27 नवम्बर, 1998

का.भा. 2513.—केंद्रीय सरकार का दिल्ली की मुख्य योजना। क्षेत्रीय योजना में निम्नलिखित संशोधित करने का प्रस्ताव है, जिसे आम जनता की जानकारी के लिए एतद्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधनों के संबंध में यदि किसी व्यक्ति को कोई आपत्ति/सुझाव देने हों, तो वे अपनी आपत्तियों/सुझावों को इस सूचना के जारी होने की तिथि से तीस दिन की अवधि के अंदर आयुक्त एवं सचिव, दिल्ली विकास प्राधिकरण, विकास सदन, "बी" ब्लॉक, आई.एन.ए., नई दिल्ली को लिखित रूप में भेजें। आपत्ति/सुझाव देने वाले व्यक्ति को अपना नाम और पता भी देना चाहिए।—

## संशोधन

"नरेला उप नगर के साथ-साथ सिंघोला और मामुरपुर गांवों की राजस्व सम्पदा में आने वाले लगभग 43 हेक्टेयर क्षेत्रफल परबण्ड, जो उत्तर में मामुरपुर वन/हस्तित क्षेत्र, पूर्व में कृषि भूमि और जी.टी. कर्नाल रोड, दक्षिण में विद्यमान गांव की सड़क और पश्चिम में कृषि भूमि से घिरा हुआ है, के भूमि उपयोग को 'प्रांतीय उपयोग जोन' से 'सार्वजनिक और अर्ध-सार्वजनिक सुविधाओं' (जिला जेल के लिए 40 हेक्टेयर और जिला न्यायालय के लिए 3 हेक्टेयर) में बदलने का प्रस्ताव है।"

2. उपर्युक्त संशोधन को दर्शाने वाला नक्शा, उक्त निविष्ट अवधि के दौरान निरीक्षण हेतु संयुक्त निर्देशक कार्यालय, मुख्य योजना अनुभाग, छठी मंजिल, विकास मीनार, आई.पी. एस्टेट, नई दिल्ली में सभी कार्य दिवसों को उपलब्ध रहेगा।

[सं. : एफ-20(33)-80-एम.पी.]

विश्व मोहन बंसल, आयुक्त एवं सचिव

## DELHI DEVELOPMENT AUTHORITY

(Master Plan Section)

## PUBLIC NOTICE

New Delhi, the 27th November, 1998

S.O. 2513.—The following modification which the Central Government propose to make in the Master Plan/Zonal Plan for Delhi is hereby published for public information. Any person having objection/suggestion with respect to the proposed modification may send the objection/suggestion in writing to the Commissioner-cum-Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, New Delhi within a period of thirty days from the date of issue of this notice. The person making the objection/suggestion should also give his/her name and address.

## MODIFICATION :

"The land use of an area measuring about 43 ha. falling in the Narela sub-city as well as revenue estate of villages Singhola and Mamurpur and bounded by Mamurpur Forest/green in the North, Agricultural land and GT Karnal Road in the East, existing village road in the South and Agricultural land in the West, is proposed to be changed from 'Rural use zone' to 'Public and semi-public facilities' (40 ha. for Distt. Jail and 3 ha. for Distt. Court)".

2. The plan indicating the proposed modification is available for inspection at the office of the Joint Director, Master Plan Section, 6th floor, Vikas Minar, IP Estate, New Delhi on all working days within the period referred above.

[No. F. 20(33)-80-MP]

V. M. BANSAL, Commissioner-cum-Secy.

## खाद्य और उपभोक्ता मामले मंत्रालय

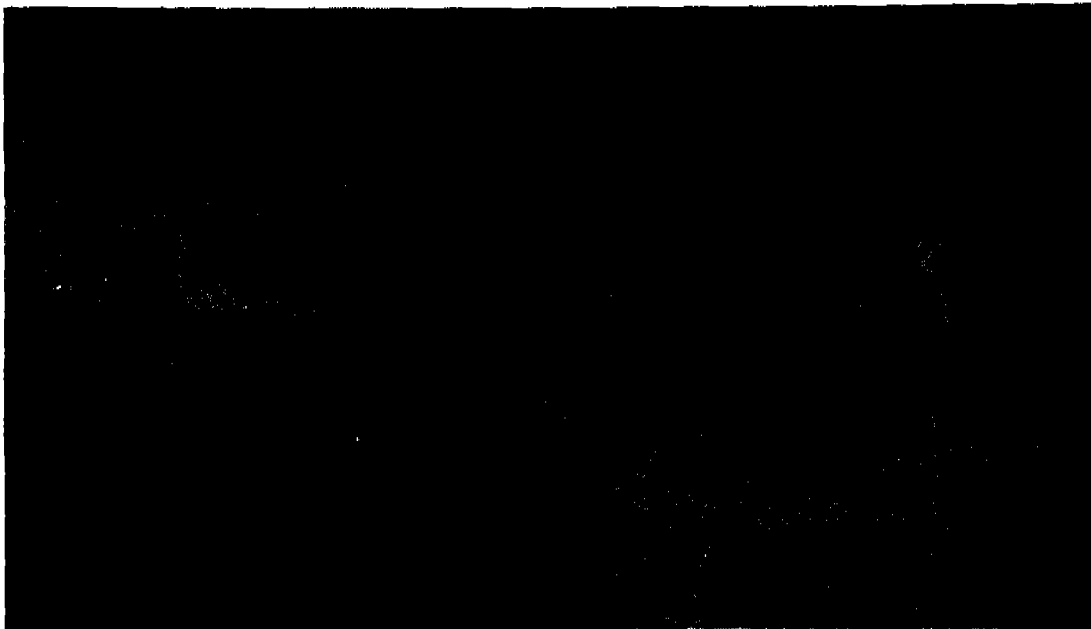
( उपभोक्ता मामले विभाग )

नई दिल्ली, 20 नवम्बर, 1998

का.आ. 2514.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल ( नीचे दी गई आकृति देखें ) बाट और माप मानक अधिनियम, 1976 ( 1976 का 60 ) और बाट और माप मानक ( माडलों का अनुमोदन ) विधम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए वर्ग III यथार्थता ( मध्यम यथार्थता ) वाली "ई. सी. डब्ल्यू. बी." श्रृंखला की स्वतः सूचक, संपरिवर्तन प्रकार की अस्वच्छालित, इलेक्ट्रानिक, तुला चौकी के माडल का जिसका ब्रांड नाम "तुला मैन" है ( जिसे इसमें इसके पश्चात् माडल कहा गया है ) और जिसका विनिर्माण मैसर्स नारने तुला मैन मैन्यूफैक्चरर्स प्रा.लि., बालानगर टाउनशिप, हैदराबाद-500037 द्वारा किया गया है और जिसे अनुमोदन विह्न आई.एन.डी./09/98/58 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह माडल ( आकृति देखें ) मध्यम यथार्थता ( यथार्थता वर्ग III ) तोलन यंत्र है, जिसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापक्रम अन्तराल 10 कि.ग्रा. है। इसमें एक आधेय तुलन युक्ति है जिसका प्रतिशत व्यवकलनात्मक धारित आधेय तुलन प्रभाव है। भारग्राही वर्गाकार है जिसकी भुजाएं 9×3 मीटर है। प्रकाश उत्सर्जन डायोड प्रदर्शन तुलन परिणाम सूचित करता है। यंत्र 230 वोल्ट और 50 हर्ट्ज आवृत्ति पर प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषित करती है कि उक्त माडल के अनुमोदन प्रमाण पत्र के अन्तर्गत समान श्रृंखला के तोलन यंत्र भी हैं, जिनके अधिकतम सत्यापन आन्तरिक मापक्रम (एन) 10,000 से कम या (एन. 10,000) के समतुल्य है और जिसका "ई" मूल्य 1, 2, 5 श्रृंखला का है, जिसका विनिर्माण की विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और सामग्री से किया गया है, जिससे अनुमोदित माडल विनिर्मित है।

[ फा.सं. डब्ल्यू. एम. 21(88)/95 ]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

**MINISTRY OF FOOD AND CONSUMER AFFAIRS****(Department of Consumer Affairs)**

New Delhi, the 20th November, 1998

**S.O. 2514.**—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weight and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, conversion kit non-automatic, electronic weigh bridge weighing machine of type "ECWB" series of class III accuracy (Medium accuracy) and with brand name "TULAMAN" (hereinafter referred to as the model) manufactured by M/s Narne Tulaman Manufacturers Pvt. Ltd., Balanagar Township, Hyderabad-500037, and which is assigned the approval mark IND/09/98/58 ,

The Model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 40 tonnes, and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of size  $9 \times 3$  meter. The LED display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of same series with maximum number of verification scale interval (n) less than or equal to 10,000 ( $n \leq 10,000$ ) and with 'e' value to 1, 2, 5 series manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21(88)/95]

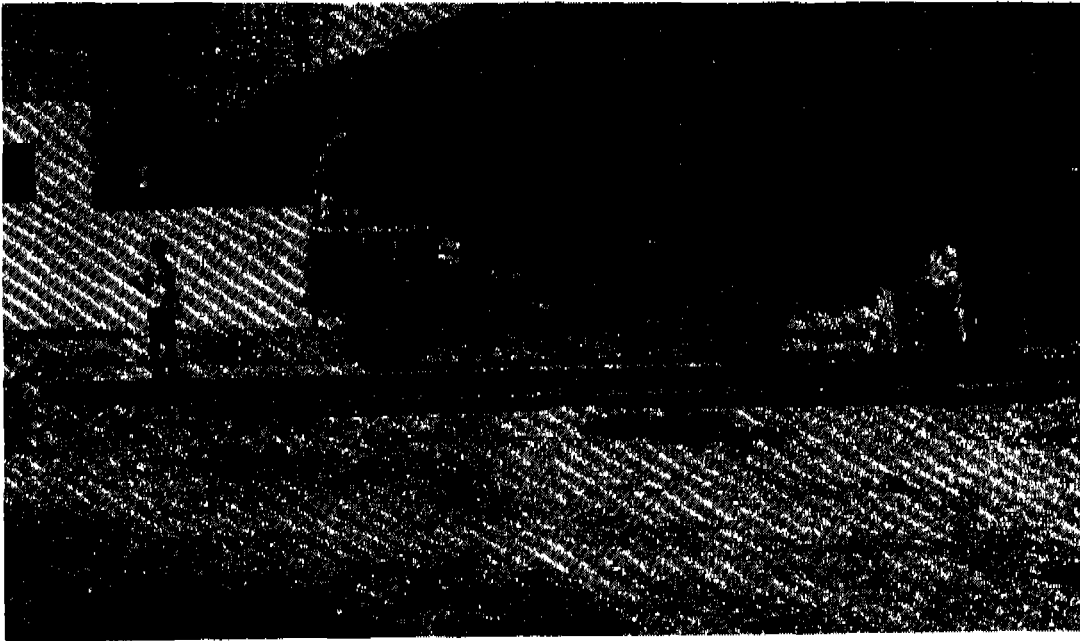
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 20 नवम्बर, 1998

का.आ. 2515.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग III यथार्थता (मध्यम यथार्थता) वाली "आर. डब्ल्यू. बी." श्रृंखला की स्वतः सूचक, अस्थायित्व, इलेक्ट्रॉनिक तुला चौकी के माडल का जिसका ब्रांड नाम "तुलामैन" है जिसे इसमें इसके पश्चात् माडल कहा गया है। और जिसका विनिर्माण मैसर्स नारने तुलामैन मैन्यूफैक्चरर्स प्रा. लि. बालानगर टाउनशिप, हैदराबाद-500037 द्वारा किया गया है और जिसे अनुमोदन पत्र आई.एन.डी./09/98/59 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह माडल (आकृति देखें) मध्यम यथार्थता (यथार्थता वर्ग III) तोलन यंत्र है, जिसकी अधिकतम 30 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन माप क्रम अन्तराल 5 कि.ग्रा. है। इसमें एक आधेय तुलन युक्त है जिसका शतप्रतिशत व्यवकलनात्म धारित आधेय तुलन प्रभाव है। भारग्राही वर्गाकार है जिसकी भुजाएं  $9 \times 3$  मीटर है। प्रकाश उत्सर्जन डायोड प्रदर्शन तुलन परिणाम सूचित करता है। यंत्र 230 वोल्ट और 50 हर्टज आवृत्ति पर प्रत्यावर्ती-धारा विद्युत प्रदाय पर कार्य करता है।



इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषित करती है कि उक्त माडल के अनुमोदन प्रमाण पत्र के अन्तर्गत समान श्रृंखला के तोलन यंत्र भी हैं, जिनके अधिकतम सत्यापन आन्तरिक मापक्रम (एन) 10,000 से कम या (एन.  $\leq 10,000$ ) के समतुल्य है और जिसका "ई" मूल्य 1,2,5 श्रृंखला का है, जिसका विनिर्माण उसी विनिर्माता द्वारा सी सिद्धान्त, डिजाइन और सामग्री किया गया है, जिससे अनुमोदित माडल विनिर्मित है।

[फा.सं. डब्ल्यू. एम. 21(88)/95]

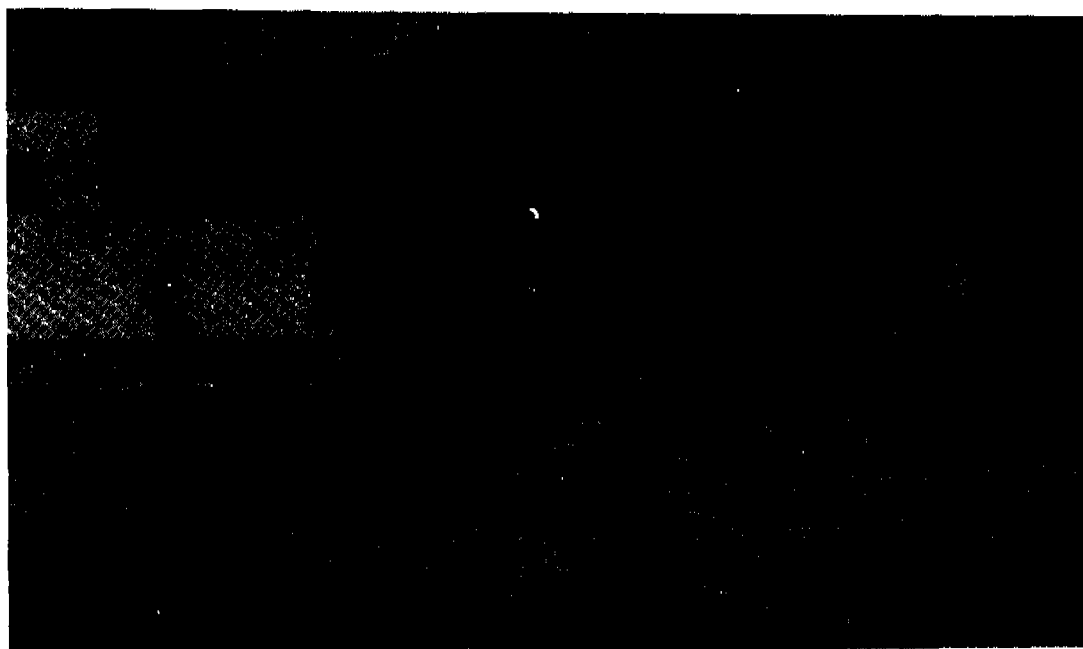
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th November, 1998

**S.O. 2515.**—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic, electronic weigh bridge weighing machine of type "ERWB" series of class III accuracy (Medium accuracy) and with brand name "TULAMAN" (hereinafter referred to as the Model) manufactured by M/s. Narne Tulaman Manufacturers Pvt. Ltd., Balanagar Township Hyderabad-500037, and which is assigned the approval mark IND/09/98/59 ;

The Model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 30 tonnes, and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of size  $9 \times 3$  meter. The LED display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of same series with maximum number of verification scale interval(n) less than or equal to 10,000 ( $e \leq 10,000$ ) and with 'e' value to 1, 2, or 5 series, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21(88)/95]

P A. KRISHNAMOORTHY, Director, Legal Metrology

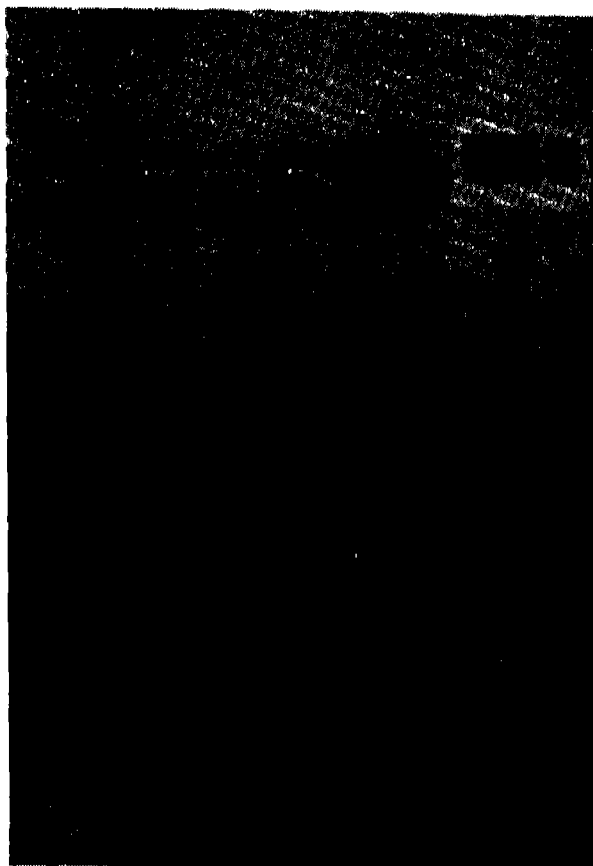


नई दिल्ली, 27 नवम्बर, 1998

**का.आ.2516.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, (उच्च) यथार्थता वर्ग III की डब्ल्यू आई-1001 सिरीज “व्हेगार्ड” ब्रान्ड नाम वाले स्वतः सूचक, गैर-स्वचालित इलैक्ट्रॉनिक टेबल टॉप तोलन मशीन के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स व्हेगार्ड इंडिया, सी-41, मवरंग सोसाइटी, न्यू समा रोड, बडोदरा-390008 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी/09/97/16 समनुदेशित किया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक उच्च यथार्थता (यथार्थता वर्ग III) का तोलन उपकरण है, जिसकी अधिकतम क्षमता 150 कि. ग्रा. और न्यूनतम क्षमता 400 ग्राम है। सत्यापन मापमान अन्तर (ई) 20 ग्राम है। इसमें एक टेयर युक्त है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही वर्गाकार सैक्शन का है जिसका पार्श्व 500 मि. मी. है। प्रकाशउत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट और 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय द्वारा चालित 6 ची, 300 एम ए के ए सी/डी सी अडोप्टर पर प्रचालित होता है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अन्तर्गत उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदन माडल का विनिर्माण किया गया है विनिर्मित 10,000 के बराबर या उससे कम के अधिकतम स्केल डिवीजनों, (एन.  $\leq 10,000$ ) जो 1, 2, 5, सिरीज के “ई” मान के हों, की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी शामिल होंगे।

[फा. सं. डब्ल्यू एम-21 (27)/96]

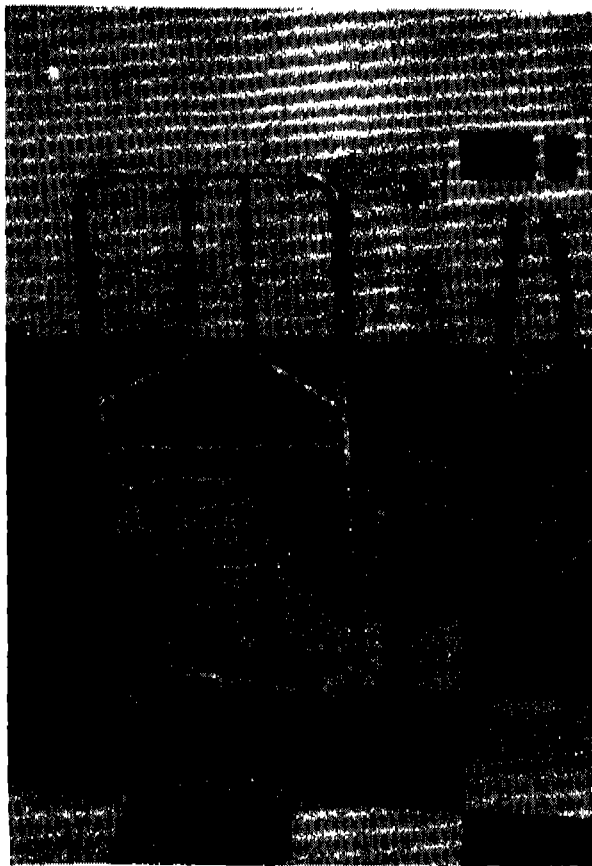
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th November, 1998

**S. O. 2516.**—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic, electronic platform weighing machine of class III (Medium) accuracy of WI-1001 series with brand name "WEIGHGUARD" (hereinafter referred to as the Model) manufactured by M/s. Weighguard India, C-41, Navarang Society, New Sama Road, Vadodara-390008 and which is assigned the approval mark IND/09/97/16;

The Model is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 150 kg. and minimum capacity of 400 g. The verification scale interval (e) is 20 g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of side 500 milli-meter. The LED display indicates the weighing result. The instrument operates on AC/DC adaptor of 6 V, 300 mA operated by 230 volts and 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum number of scale divisions equal to or less than 10,000 ( $e \leq 10,000$ ) with 'e' value of 1, 2, 5 series, manufactured by the same manufacturer in accordance with the same principle, design and with the same material with which, the approved Model has been manufactured.

[File No. WM 21(27)/96]

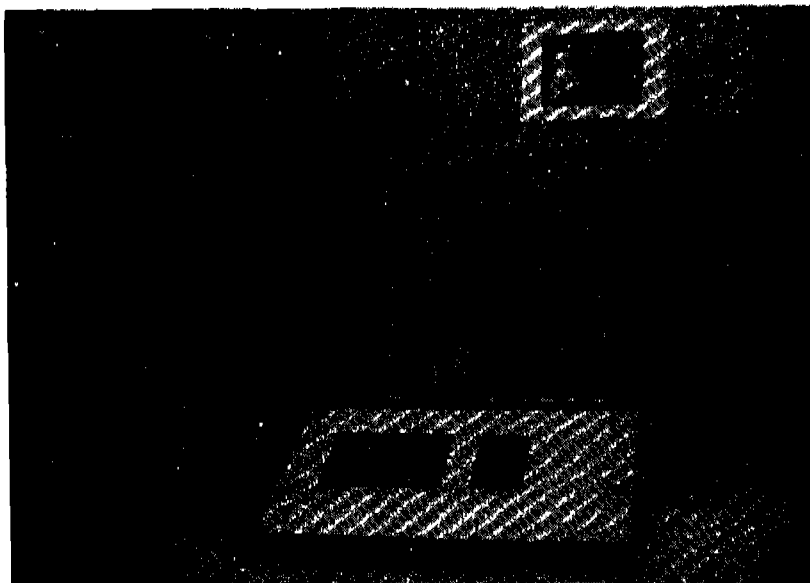
P A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 27 नवम्बर, 1998

का.आ. 2517.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, (उच्च) यथार्थता वर्ग II- की डब्ल्यू. आई.-101 सिरीज "व्हेगार्ड" ब्रांड नाम वाले स्वतः मूचक, गैर-स्वचालित इलेक्ट्रॉनिक टेबल टॉप तोलन मशीन के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैमर्स व्हेगार्ड इंडिया, सी-41, नवरंग सोसाइटी, न्यू समा रोड, बडोदरा-390008 द्वारा किया गया है और जिसे अनुमोदन विद्व. आई.एन.डी./09/97/17 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक उच्च यथार्थता (यथार्थता वर्ग-II) का तोलन उपकरण है, जिसकी अधिकतम क्षमता 11 किलोग्राम और न्यूनतम क्षमता 50 ग्राम है। सत्यापन मापमान अन्तर (ई) 1 ग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही वर्गाकार सैक्शन का है जिसका पार्श्व 275 मि.मी. है। प्रकाशउत्सर्जन डायोड संप्रदर्श तोलन परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय द्वारा चालित 6 वी, 300 एम ए के एसी/डी.सी.अडोप्टर पर प्रचालित होता है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अन्तर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदन माडल का विनिर्माण किया गया है विनिर्मित 100,000 के बराबर या उससे कम के अधिकतम स्केल डिब्बीजनों (एन.  $\leq 100,000$ ) जो 1,2,5 सिरीज के "ई" मान के हों की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी शामिल होंगे।

[ फा.सं. डब्ल्यू. एम. 21(27)/96 ]

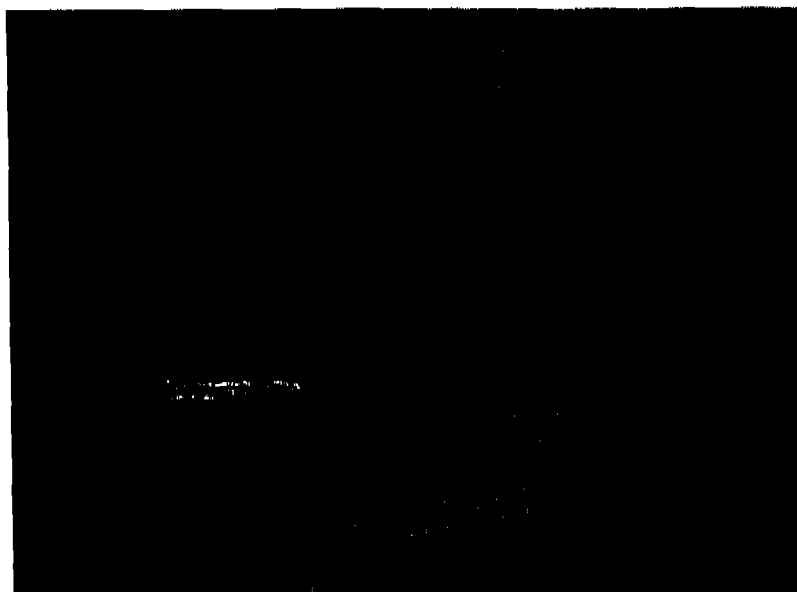
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th November, 1998

**S. O. 2517.**—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic, electronic table top weighing machine of class II (high) accuracy of WI-101 series with brand name "WEIGHGUARD" (hereinafter referred to as the Model) manufactured by M/s. Weighguard India, C-41, Navrang Society, New Sama Road, Vadodara-390008, and which is assigned the approval mark IND/09/97/17 ;

The Model is a high accuracy (accuracy class II) weighing instrument with a maximum capacity of 11 kg. and minimum capacity of 50 g. The verification scale interval (e) is 1 g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of side 275 milli-meter. The LED display indicates the weighing result. The instrument operates on AC/DC adapter of 6 V, 300 mA operated by 230 volts and 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum number of scale divisions equal to or less than 10,000 ( $n \leq 100,000$ ) with 'e' value of 1, 2, 5 series, manufactured by the same manufacturer in accordance with the same principle, design and with the same material with which, the approved Model has been manufactured.

[File No. WM 21(27)/96]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 26 नवम्बर, 1998

का.आ. 2518.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मथुरा - जालंधर मुख्य पाइप लाइन से सोनीपत से मेरठ तक पेट्रोलियम के परिवहन के लिए एक ब्रान्च पाइप लाइन इण्डियन ऑयल कार्पोरेशन द्वारा बिछाई जाए ;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम 1962(1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ जनसाधारण को उपलब्ध करा दिए जाने की तारीखसे दून्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में आपत्ति लिखित रूप से श्री आर० के० काजल, सक्षम प्राधिकारी, सोनीपत-मेरठ एवं कुरुक्षेत्र-सहारनपुर पाइपलाइन प्रोजेक्ट, इण्डियन ऑयल कार्पोरेशन लिमिटेड, कोठी न. 1318, सैक्टर-7, करनाल - 132001 को कर सकेगा ।

जारी.....

## अनुसूची

तहसील - सोनीपत		जिला -	सोनीपत	राज्य - हरियाणा	
		क्षेत्र			
गांव का नाम	हदबस्त	मुस्तील न0/ किला न0	हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6
रोहट	115	16			
		15	-	9	11
		17			
		11	-	11	13
		12	-	11	13
		13	-	11	13
हरसाना कलौ	208	7			
		18/1	-	0	25
		18/2	-	4	55
		19	-	11	13
		20	-	8	35
		21	-	2	78
		22	-	0	25
		8			
		16	-	4	05
		17	-	1	01
		18	-	0	00
		21	-	10	63
		22	-	10	12
		23	-	11	13
		24	-	10	12
		25	-	7	34
		9			
		22	-	0	25
		23	-	5	31
		25	-	1	01
		28	-	12	90
		19			
		16	-	8	60
		17	-	5	82

गाँव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6
जारी...1	208				
		18	-	2	28
		19/1	-	0	25
		21/1	-	7	58
		21/2	-	0	51
		19			
		22/1	-	3	29
		22/2	-	5	06
		23	-	9	11
		24	-	4	81
		25	-	2	02
		20			
		16/1	-	9	61
		16/2	-	1	01
		17	-	11	13
		18	-	11	13
		19	-	11	13
		20	-	11	13
		21			
		13	-	0	25
		14	-	2	78
		15/1	-	4	05
		15/2	-	0	25
		16/1	-	0	51
		16/2	-	3	54
		17	-	8	35
		18	-	11	13
		19/1	-	5	57
		19/2	-	4	81
		20/1	-	11	13
		22			
		11/2	-	10	88
		12	-	11	13
					जारी....3

गांव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी.....2

208

13	-	11	13
14	-	11	13
15	-	11	13
20	-	0	51

23

6	-	9	61
7/1	-	0	25
7/2	-	0	51
7/3	-	0	25
11	-	10	63
12	-	11	13
13/1	-	10	12
14	-	7	34
15	-	0	25

24

6	-	10	63
7/1	-	1	77
7/2	-	6	83
8	-	10	63
9	-	11	13
10/1	-	3	54
10/2	-	7	59

25

2	-	0	25
3/2	-	2	28
4	-	5	57
5/2	-	8	60
6	-	2	02
7/1	-	0	76
7/2	-	4	81
8/1	-	9	11

जारी.....4



गाँव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी.....3

208

9/1	-	10	63
10	-	11	13

26

1	-	11	13
2	-	11	13
3/1	-	9	61
3/2	-	1	01
4/1	-	11	13
5	-	11	13
10/1	-	0	25

27

1	-	11	13
2/1	-	8	35
2/2	-	0	25
3	-	3	54

40

1/1	-	1	01
-----	---	---	----

41

1/2	-	3	04
-----	---	---	----

42

4/2	-	0	25
5/2	-	10	37
6/1	-	2	53
7	-	13	41
8	-	1	26
12/1	-	0	25
12/2	-	9	36

जारी...5

गांव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी.....4

208

13	-	9	87
19	-	1	01
20/1	-	5	06
20/2	-	6	58
21/1	-	0	25

43

16	-	0	51
24/1	-	2	78
24/2	-	2	78
25	-	12	40

47

11	-	0	25
12	-	7	84
13	-	12	14
14/1	-	4	05
14/2	-	0	25

15	-	0	25
16/1	-	10	12
16/2	-	1	01
17/1	-	6	32

48

6	-	9	11
7	-	1	26
11	-	10	88
12/1	-	6	32
12/2	-	4	30
13/1	-	11	64
14	-	10	37
15	-	2	02
20	-	2	02

गांव का नाम	हदबस्त	मुस्तील न0/ किला न0	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी...5

208

49

2/2	-	0	76
3	-	11	38
4/1	-	5	57
8	-	0	76
9/1	-	1	77
9/2	-	7	08
10	-	11	64
125	-	2	78
142	-	2	53
156	-	0	51
160	-	0	76
166	-	0	51
174	-	0	51
182	-	0	51
197	-	1	01
198	-	0	25
202	-	0	51
204	-	1	01
205	-	1	77
208	-	0	51
212	-	0	51
216	-	0	51
250	-	0	51
285	-	1	77
287	-	0	51
302	-	2	02
311	-	1	01
353	-	1	01
356	-	0	51
359	-	0	51
360	-	0	76
361	-	0	51
376	-	0	51

गांव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्रफल		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी...6

444	-	1	77
446	-	0	00
447	-	0	51
448	-	0	51
452	-	0	51
455	-	0	76
470	-	0	51
518	-	1	26

बन्देपुर

77

25

17/1/2	-	3	29
18/2/1/2	-	2	53
18/2/2	-	5	57
19	-	11	13
20	-	11	13

26

16	-	11	13
17	-	11	13
18	-	4	55

राठधाना

64

24

15	-	0	25
16	-	10	63
17	-	5	57

जारी...8

गाँव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी...7

64

25

11	-	2	28
12	-	4	55
13/1	-	3	79
13/2	-	1	01
13/3	-	3	29
14/1	-	9	36
14/2	-	2	02
15	-	11	13
18/1	-	0	51
18/2	-	0	25
18/3	-	2	28

19	-	6	83
20	-	9	11

26

11	-	11	13
12/1	-	5	06
12/2	-	5	57
13	-	11	13
14	-	11	13
15	-	11	13

27

6	-	11	13
7/1	-	5	57
7/2	-	4	30
8	-	7	84
9	-	3	29
10	-	0	25
11/1	-	10	63

गांव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी...8

64

12	-	7	84
13	-	3	29
14/1	-	0	25
14/2	-	0	25
28			

6	-	10	63
7	-	11	13
8/1	-	5	57
8/2	-	5	57
9	-	11	13
10	-	11	13

29

2	-	0	51
3/2	-	0	51
6	-	11	13
7/1	-	4	30
7/2	-	7	08
8/1	-	10	12
9/1	-	0	51
9/3	-	7	59
10	-	11	13

30

6	-	6	32
7	-	10	12
8	-	11	13
9	-	11	13
10	-	11	13
14	-	0	51
15	-	4	30

जारी...10

गांव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी...9

64

31

9	-	0	25
10/2	-	2	02
11	-	6	32
12	-	9	61
13/1	-	11	13
14	-	10	63
15	-	10	63

32

11	-	11	13
12	-	8	85
13	-	6	07
14	-	1	26
16	-	11	13
17	-	9	61
18	-	5	06
19	-	0	76

33

17	-	0	51
18	-	10	63
19	-	10	63
20	-	11	13
23	-	1	01
24	-	11	64
25	-	11	38

34

21	-	0	76
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37

1	-	8	60
2	-	11	89

जारी...11

गांव का नाम	हदबस्त	मुस्तील न०/ किसा न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी...10

64

3	-	2	28
6	-	3	04
7/1	-	6	07
7/2	-	6	07
8/1	-	8	35
8/2	-	1	52
9	-	0	25
14	-	0	00
15	-	2	78
231	-	2	02
232	-	1	52
233	-	3	04
234	-	1	52
239	-	0	51
241	-	0	51
242	-	0	51
368	-	0	51
371	-	4	05
377	-	0	51
380	-	0	51
446	-	0	51

लिबासपुर

65

26			
21	-	11	64
22	-	2	28
27			
11	-	12	14
12	-	6	83
16	-	0	25
17	-	9	11
18	-	11	64
19	-	5	06
24	-	1	77
25	-	11	64

जारी...12



गाँव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी...11

65

28

15

-

5

31

30

1

-

0

25

2

-

6

83

50

-

0

51

राई

69

3

19

-

1

01

20

-

9

61

21

-

1

77

22

-

10

63

23

-

11

89

24/2

-

0

25

24/3

-

2

78

24/4

-

5

57

25

-

0

51

4

10/1

-

1

26

10/2

-

5

57

11

-

4

81

12

-

12

40

13

-

9

87

14

-

1

01

16

-

11

89

17

-

10

37

जारी...13

गांव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी...12

69

18 - 1 77

5

2 - 1 77

3 - 12 14

4 - 3 79

6 - 11 64

7 - 8 10

10

4 - 2 28

5/1 - 1 77

5/2 - 4 30

5/3 - 4 30

11

1/1 - 1 52

1/2 - 1 52

1/3 - 8 35

2 - 10 63

3 - 1 52

6 - 2 02

7 - 11 89

8 - 10 12

9 - 1 01

120 - 0 51

जारी...14

गांव का नाम	हदबस्त	मुस्तील न0/ किला न0	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

आसावरपुर

71

19

6/1	-	4	30
6/2	-	6	83
7	-	11	64
8	-	11	13
9	-	11	64
10	-	10	37

20

8	-	0	25
9	-	2	78
10/2	-	7	08
11	-	2	78
12	-	8	35
13	-	10	37
14/1	-	6	83
14/2	-	4	55
15	-	11	13
26	-	1	26

21

11/1	-	9	36
12/1	-	5	06
12/2	-	3	54
12/3	-	1	77
13/1	-	4	05
13/2	-	0	76
14	-	0	25
16	-	10	63
17	-	9	61
18	-	3	79
19/1	-	0	51

जारी...15

गांव का नाम	हदबस्ता	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी.... 14

71

26 - 1 77

22

17 - 2 78

18 - 9 11

19 - 11 13

20/2/1 - 2 78

20/2/2 - 7 59

23/1 - 1 01

23/2 - 0 25

24/1 - 3 29

24/2 - 4 55

25/1 - 1 26

25/2 - 9 61

23

21/1 - 7 84

21/2 - 3 29

22/1 - 6 58

22/2 - 4 81

23 - 11 13

24 - 8 10

25/2 - 4 55

30

6/2 - 2 53

7/1 - 6 83

7/2 - 4 55

8 - 11 13

9/1 - 5 57

9/2 - 5 57

10 - 11 13

जारी... 16

गाँव का नाम	हदबस्त	मुस्तील न0/ किला न0	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी... 15

71

**31**

6/1	-	3	29
6/2	-	7	08
7	-	11	13
8	-	11	13
9	-	11	13
10	-	11	13
11	-	0	25

**32**

1	-	2	78
2	-	0	00
6/1	-	10	12
6/2	-	0	51
7	-	10	63
8	-	11	13
9/1	-	5	06
9/2	-	6	07
10	-	8	35

**33**

1	-	10	63
2	-	10	12
3	-	11	13
4	-	11	13
5/1/2	-	7	84
5/3	-	2	78
6	-	0	76

**34**

4/1	-	0	25
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गाँव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी... 16

71

4/2	-	0	76
5	-	6	83
90	-	0	51
91	-	0	51
95	-	0	51
108	-	1	77
201	-	0	76
266	-	0	76
269	-	0	76
271	-	0	51
274	-	1	01
275	-	0	76
277	-	2	78
278	-	0	51
282	-	0	25

औरंगाबाद

38

8			
6	-	8	60
9			
6	-	6	83
7	-	7	59
8/1	-	0	25
8/2	-	9	87
9	-	11	64
10	-	11	13
14/1	-	0	25
14/2	-	0	76
15	-	3	54

गांव का नाम	हदबस्त	मुस्तील न0/ किला न0	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6
जारी...17	38	10			
		9	-	0	00
		10	-	2	78
		11	-	8	35
		12	-	11	13
		13/1	-	5	82
		13/2	-	4	30
		14	-	11	13
		15	-	10	37
		11			
		11	-	11	13
		12	-	10	12
		13	-	5	57
		14	-	0	76
		15	-	0	00
		16	-	10	37
		17	-	7	84
		18	-	5	57
		19	-	0	76
		12			
		16	-	6	07
		17	-	11	13
		18	-	11	13
		19	-	11	13
		20	-	9	11
		25	-	0	76
		28	-	2	02
		13			
		18/2	-	0	25
		19	-	0	76
		20	-	4	05

गाँव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी... 18

38

21/1	-	1	01
21/2	-	3	04
22	-	8	35
23	-	11	13
24	-	8	10
41	-	3	04
48	-	0	76
50	-	0	76
51	-	3	04
52	-	1	01
53	-	9	87
64	-	1	26
65	-	0	76

जाखौली

37

32			
21	-	0	25
33			
21	-	11	13
22/1	-	2	78
22/2	-	8	35
23	-	11	13
24/1	-	5	57
24/2	-	0	76
25	-	1	01
34			
24	-	3	04
25	-	11	13
36			
3	-	0	25
4/1	-	0	51



गांव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6
जारी...19	37	5/2	-	7	84
		37			
		1	-	11	13
		2	-	11	13
		3	-	10	63
		4	-	4	05
		27	-	15	18
		28	-	11	13
		38			
		1	-	4	30
		2	-	7	59
		3	-	2	78
		4	-	0	00
		6	-	11	13
		7	-	11	13
		8	-	2	28
		9/1	-	2	02
		9/2	-	0	76
		29	-	6	32
		39			
		6	-	7	84
		7	-	10	63
		8	-	11	13
		9	-	11	13
		10	-	11	13
		14	-	0	25
		15	-	3	29
		40			
		9	-	0	25
		10/2	-	3	04
		11	-	7	08
		12	-	11	13
		13/1	-	8	60

गांव का नाम	हदबस्त	मुस्तील न0/ किला न0	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी.....20

37

40

14/2	-	0	51
14/3	-	2	53
17	-	5	57
18/1	-	0	25

41

22	-	1	77
27	-	35	41

49

10	-	0	25
11	-	12	40
12	-	7	08
17	-	1	77
18	-	12	40
19	-	6	07
23	-	0	25
24	-	10	37
25	-	9	61

50

2	-	5	31
3/1	-	6	07
3/2	-	7	34
4	-	2	28
6	-	11	38
7	-	10	37
8	-	0	00
15	-	1	52

62

5	-	2	28
---	---	---	----

63

1	-	12	65
---	---	----	----

जारी...22

गांव का नाम	हदबस्त	मुस्तील न0/ किला न0	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6
जारी...21	37	2	-	6	58
		7/3	-	0	25
		8/1	-	2	28
		8/2	-	9	61
		9	-	6	58
		13	-	0	51
		14	-	12	14
		15	-	10	37
		16	-	1	77
		64			
		11	-	0	25
		19	-	9	36
		18	-	0	00
		20	-	11	89
		22	-	3	04
		23	-	1	01
		318	-	2	02
		323	-	1	01
		325	-	1	01
		331	-	2	78
		360	-	0	51
		371	-	0	51
		372	-	0	51
		373	-	0	51
पबसरा	36	7			
		28	-	2	78
		8			
		23/1	-	9	61
		24/2	-	7	08

गांव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी...22

36

10

4 - 3 29

5 - 12 40

11

1 - 5 57

8 - 4 81

9 - 12 40

10 - 3 29

13 - 7 59

14 - 11 64

15/1 - 1 01

15/2 - 0 25

16 - 9 36

17 - 0 25

12

19/2 - 2 28

20 - 12 14

21 - 0 00

22/1 - 9 11

23 - 9 36

24 - 0 25

15

20 - 0 25

21 - 13 66

22 - 0 25

16

1/1 - 0 76

गाँव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6
जारी.....23	36	8	-	0	25
		9	-	9	87
		10	-	11	64
		12	-	1	77
		13	-	11	89
		14	-	9	61
		15	-	0	25
		16/1	-	8	10
		16/2	-	4	55
		17/1	-	1	01
		25	-	0	76
		17			
		3	-	0	76
		4	-	11	13
		5	-	11	13
		6	-	0	76
		26			
		1	-	0	76
		2	-	9	87
		3	-	0	51
		8	-	6	07
		9	-	0	25
		68	-	3	29
		79	-	1	77
		80	-	3	04
		83	-	0	51
		84	-	1	01
मनौली	35	10			
		7	-	0	25
		8	-	6	58
		13	-	1	01
		14	-	13	66

गांव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी.....24

35

15/1	-	0	25
16	-	7	59
17	-	1	26
25/1	-	5	31
25/2	-	0	25

11

21	-	12	40
----	---	----	----

21

21/1	-	4	05
21/2	-	6	58

22

1	-	2	02
2	-	12	40
8	-	12	90
9	-	2	02
13	-	1	52
14	-	12	40
16	-	9	11
17	-	1	52
25	-	2	28

29

1/2	-	2	28
2/1	-	8	85
2/2	-	1	52
8	-	11	38
9	-	4	05
13	-	3	54
14	-	10	63
16	-	9	11
17	-	4	81
25	-	5	82

जारी.....26

गाँव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी.....25

35

30

21 - 9 36

34

23 - 2 53

36

2 - 2 02

3 - 13 41

4 - 1 52

9 - 11 38

10 - 6 58

11 - 6 58

37

14 - 0 25

15 - 11 13

16 - 2 02

17 - 13 41

18 - 2 28

22 - 7 34

23 - 10 88

39

21 - 9 11

40

1 - 6 07

2 - 9 11

8 - 9 11

जारी.....27

गाँव का नाम	हदबस्त	मुस्तील न०/ किला न०	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6

जारी.....26

35

9	-	6	07
13	-	6	07
14	-	9	11
16	-	9	11
17	-	6	07
25	-	6	07

53

1	-	6	07
2/1	-	4	30
2/2	-	2	02
8	-	9	11
9	-	5	31
13	-	6	07
14/1	-	7	34
14/2	-	0	25
16/2	-	5	06
17/1	-	5	57
17/2	-	0	51
25	-	9	11

54

6	-	12	40
7	-	0	25
13	-	1	77
14	-	11	89
15	-	0	25
18	-	9	87
19	-	5	57
21	-	12	40
22	-	7	84

जारी.....28



गांव का नाम	हदबस्त	मुस्तील न0/ किला न0	क्षेत्र		
			हेक्टर	आर	वर्गमीटर
1	2	3	4	5	6
जारी.....28	35	55			
		1	-	10	12
		2	-	6	58
		10	-	3	54
		68			
		1/1	-	0	76
		411	-	5	82
		413	-	41	23
		415/1	-	13	41
		415/2	-	7	84
		415/3	-	20	74
		415/4	-	19	73
		416/2	-	23	27
		248	-	2	78
		251	-	2	02
		252	-	2	53
		349	-	0	76
		353	-	0	76
		360	-	0	51
		361	-	1	01
		362	-	0	76

[सं. आर. 31015/9/98-ओ.आर.-I]

के.सी. कटोच, अवर सचिव

**Ministry of Petroleum and Natural Gas**

New Delhi, the 26th November, 1998

**S.O. 2518.—** Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum from Sonapat to Meerut, a branch pipeline should be laid, from existing Mathura-Jalandhar Pipeline, by Indian Oil Corporation Limited.

And, whereas, it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein of laying of the pipeline under the land to Shri R.K. Kajal, Competent Authority, Sonapat-Meerut and Kurukshetra-Saharanpur Pipeline Project, Indian Oil Corporation Limited, Kothi No. 1318, Sector-7, Karnal - 132001.

Contd....2/-

## Schedule

Tehsil : <i>Sonepat</i>	Distirt : <i>Sonepat</i>	State : <i>Haryana</i>
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Name of Village 1	Hadbast No. 2	Mustaleel No. Killa No. 3	Area		
			Hectare 4	Are 5	Sq.Mtr. 6
ROHAT	115	16			
		15	-	9	11
		17			
		11	-	11	13
		12	-	11	13
		13	-	11	13
HARSANA KALAN	208	7			
		18/1	-	0	25
		18/2	-	4	55
		19	-	11	13
		20	-	8	35
		21	-	2	78
		22	-	0	25
		8			
		16	-	4	05
		17	-	1	01
		18	-	0	00
		21	-	10	63
		22	-	10	12
		23	-	11	13
		24	-	10	12
		25	-	7	34
		9			
		22	-	0	25
		23	-	5	31
		25	-	1	01
		28	-	12	90
		19			
		16	-	8	60
		17	-	5	82

Contd....p/2

Name of Village	Hadbast No.	Mustaleel No.		Area	
		Killa No.	Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd.....p/1

208

18	-	2	28
19/1	-	0	25
21/1	-	7	58
21/2	-	0	51

19

22/1	-	3	29
22/2	-	5	06
23	-	9	11
24	-	4	81
25	-	2	02

20

16/1	-	9	61
16/2	-	1	01
17	-	11	13
18	-	11	13
19	-	11	13
20	-	11	13

21

13	-	0	25
14	-	2	78
15/1	-	4	05
15/2	-	0	25
16/1	-	0	51
16/2	-	3	54
17	-	8	35
18	-	11	13
19/1	-	5	57
19/2	-	4	81
20/1	-	11	13

22

11/2	-	10	88
12	-	11	13

Contd...p/3

Name of Village	Hadbast No.	Mustaleel No.	Area		
		Killa No.	Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd.....p/2

208

13	-	11	13
14	-	11	13
15	-	11	13
20	-	0	51

23

6	-	9	61
7/1	-	0	25
7/2	-	0	51
7/3	-	0	25
11	-	10	63
12	-	11	13
13/1	-	10	12
14	-	7	34
15	-	0	25

24

6	-	10	63
7/1	-	1	77
7/2	-	6	83
8	-	10	63
9	-	11	13
10/1	-	3	54
10/2	-	7	59

25

2	-	0	25
3/2	-	2	28
4	-	5	57
5/2	-	8	60
6	-	2	02
7/1	-	0	76
7/2	-	4	81
8/1	-	9	11

Contd.....p/4

Name of Village 1	Hadbast No. 2	Mustaleel No. Killa No. 3	Hectare 4	Area	
				Are 5	Sq.Mtr. 6

Contd.....p/3

208

9/1	-	10	63
10	-	11	13

26

1	-	11	13
2	-	11	13
3/1	-	9	61
3/2	-	1	01
4/1	-	11	13
5	-	11	13
10/1	-	0	25

27

1	-	11	13
2/1	-	8	35
2/2	-	0	25
3	-	3	54

40

1/1	-	1	01
-----	---	---	----

41

1/2	-	3	04
-----	---	---	----

42

4/2	-	0	25
5/2	-	10	37
6/1	-	2	53
7	-	13	41
8	-	1	26
12/1	-	0	25
12/2	-	9	36

Contd...p/5

Name of Village	Hadbast No.	Mustaleel No.	Area		
		Killa No.	Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd....p/4

208

13	-	9	87
19	-	1	01
20/1	-	5	06
20/2	-	6	58
21/1	-	0	25

43

16	-	0	51
24/1	-	2	78
24/2	-	2	78
25	-	12	40

47

11	-	0	25
12	-	7	84
13	-	12	14
14/1	-	4	05
14/2	-	0	25

15	-	0	25
16/1	-	10	12
16/2	-	1	01
17/1	-	6	32

48

6	-	9	11
7	-	1	26
11	-	10	88
12/1	-	6	32
12/2	-	4	30
13/1	-	11	64
14	-	10	37
15	-	2	02
20	-	2	02

Name of Village	Hadbast No.	Mustaleel No.	Area		
		Killa No.	Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd...p/5

208

49

2/2	-	0	76
3	-	11	38
4/1	-	5	57
8	-	0	76
9/1	-	1	77
9/2	-	7	08
10	-	11	64
125	-	2	78
142	-	2	53
156	-	0	51
160	-	0	76
166	-	0	51
174	-	0	51
182	-	0	51
197	-	1	01
198	-	0	25
202	-	0	51
204	-	1	01
205	-	1	77
208	-	0	51
212	-	0	51
216	-	0	51
250	-	0	51
285	-	1	77
287	-	0	51
302	-	2	02
311	-	1	01
353	-	1	01
356	-	0	51
359	-	0	51
360	-	0	76
361	-	0	51
376	-	0	51
444	-	1	77



Name of Village	Hadbast No.	Mustaleel No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd....p/7

		446	-	0	00
		447	-	0	51
		448	-	0	51
		452	-	0	51
		455	-	0	76
		470	-	0	51
		518	-	1	26
BANDEPUR	77				
		25			
		17/1/2	-	3	29
		18/2/1/2	-	2	53
		18/2/2	-	5	57
		19	-	11	13
		20	-	11	13
		26			
		16	-	11	13
		17	-	11	13
		18	-	4	55
RATHDHANA	64				
		24			
		15	-	0	25
		16	-	10	63
		17	-	5	57

Contd...p/8

Name of Village	Hadbast No.	Mustafed No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd....p/7

64

25

11	-	2	28
12	-	4	55
13/1	-	3	79
13/2	-	1	01
13/3	-	3	29
14/1	-	9	36
14/2	-	2	02
15	-	11	13
18/1	-	0	51
18/2	-	0	25
18/3	-	2	28

19	-	6	83
20	-	9	11

26

11	-	11	13
12/1	-	5	06
12/2	-	5	57
13	-	11	13
14	-	11	13
15	-	11	13

27

6	-	11	13
7/1	-	5	57
7/2	-	4	30
8	-	7	84
9	-	3	29
10	-	0	25
11/1	-	10	63

Name of Village	Hadbast No.	Mustaleel No.	Area		
		Killa No.	Hectare	Are	Sq.Mtr.
1	2	3	4	5	6
Contd...p/8	64	12	-	7	84
		13	-	3	29
		14/1	-	0	25
		14/2	-	0	25
		28			
		6	-	10	63
		7	-	11	13
		8/1	-	5	57
		8/2	-	5	57
		9	-	11	13
		10	-	11	13
		29			
		2	-	0	51
		3/2	-	0	51
		6	-	11	13
		7/1	-	4	30
		7/2	-	7	08
		8/1	-	10	12
		9/1	-	0	51
		9/3	-	7	59
		10	-	11	13
		30			
		6	-	6	32
		7	-	10	12
		8	-	11	13
		9	-	11	13
		10	-	11	13
		14	-	0	51
		15	-	4	30

Contd...p/10

Name of Village	Hadbast No.	Mustaleel No.	Area		
		Killa No.	Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd.....p/9

64

31

9	-	0	25
10/2	-	2	02
11	-	6	32
12	-	9	61
13/1	-	11	13
14	-	10	63
15	-	10	63

32

11	-	11	13
12	-	8	85
13	-	6	07
14	-	1	26
16	-	11	13
17	-	9	61
18	-	5	06
19	-	0	76

33

17	-	0	51
18	-	10	63
19	-	10	63
20	-	11	13
23	-	1	01
24	-	11	64
25	-	11	38

34

21	-	0	76
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37

1	-	8	60
2	-	11	89

Contd....p/11

Name of Village	Hadbast No.	Mustaleel No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd...p/10

64

3	-	2	28
6	-	3	04
7/1	-	6	07
7/2	-	6	07
8/1	-	8	35
8/2	-	1	52
9	-	0	25
14	-	0	00
15	-	2	78
231	-	2	02
232	-	1	52
233	-	3	04
234	-	1	52
239	-	0	51
241	-	0	51
242	-	0	51
368	-	0	51
371	-	4	05
377	-	0	51
380	-	0	51
446	-	0	51

LIWASPUR

65

26			
21	-	11	64
22	-	2	28
27			
11	-	12	14
12	-	6	83
16	-	0	25
17	-	9	11
18	-	11	64
19	-	5	06
24	-	1	77
25	-	11	64

Contd...p/12

Name of Village	Hadbast No.	Mustaleel No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd...p/11

65

28

15	-	5	31
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30

1	-	0	25
---	---	---	----

2	-	6	83
---	---	---	----

50	-	0	51
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RAI

69

3

19	-	1	01
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20	-	9	61
----	---	---	----

21	-	1	77
----	---	---	----

22	-	10	63
----	---	----	----

23	-	11	89
----	---	----	----

24/2	-	0	25
------	---	---	----

24/3	-	2	78
------	---	---	----

24/4	-	5	57
------	---	---	----

25	-	0	51
----	---	---	----

4

10/1	-	1	26
------	---	---	----

10/2	-	5	57
------	---	---	----

11	-	4	81
----	---	---	----

12	-	12	40
----	---	----	----

13	-	9	87
----	---	---	----

14	-	1	01
----	---	---	----

16	-	11	89
----	---	----	----

17	-	10	37
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Contd....p/13

Name of Village	Hadbast No.	Mustaleel No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd....p/12

69

18	-	1	77
5			
2	-	1	77
3	-	12	14
4	-	3	79
6	-	11	64
7	-	8	10
10			
4	-	2	28
5/1	-	1	77
5/2	-	4	30
5/3	-	4	30
11			
1/1	-	1	52
1/2	-	1	52
1/3	-	8	35
2	-	10	63
3	-	1	52
6	-	2	02
7	-	11	89
8	-	10	12
9	-	1	01
120	-	0	51

Contd....p/14

Name of Village	Hadbast No.	Mustaleel No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

ASAWAR PUR

71

19

6/1	-	4	30
6/2	-	6	83
7	-	11	64
8	-	11	13
9	-	11	64
10	-	10	37

20

8	-	0	25
9	-	2	78
10/2	-	7	08
11	-	2	78
12	-	8	35
13	-	10	37
14/1	-	6	83
14/2	-	4	55
15	-	11	13
26	-	1	26

21

11/1	-	9	36
12/1	-	5	06
12/2	-	3	54
12/3	-	1	77
13/1	-	4	05
13/2	-	0	76
14	-	0	25
16	-	10	63
17	-	9	61
18	-	3	79
19/1	-	0	51

Contd...p/15



Name of Village	Hadbast No.	Mustaleel No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd....p/14

71

26 - 1 77

22

17 - 2 78

18 - 9 11

19 - 11 13

20/2/1 - 2 78

20/2/2 - 7 59

23/1 - 1 01

23/2 - 0 25

24/1 - 3 29

24/2 - 4 55

25/1 - 1 26

25/2 - 9 61

23

21/1 - 7 84

21/2 - 3 29

22/1 - 6 58

22/2 - 4 81

23 - 11 13

24 - 8 10

25/2 - 4 55

30

6/2 - 2 53

7/1 - 6 83

7/2 - 4 55

8 - 11 13

9/1 - 5 57

9/2 - 5 57

10 - 11 13

Contd...p/16

Name of Village	Hadbast No.	Mustaleel No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd....p/15

71

31

6/1	-	3	29
6/2	-	7	08
7	-	11	13
8	-	11	13
9	-	11	13
10	-	11	13
11	-	0	25

32

1	-	2	78
2	-	0	00
6/1	-	10	12
6/2	-	0	51
7	-	10	63
8	-	11	13
9/1	-	5	06
9/2	-	6	07
10	-	8	35

33

1	-	10	63
2	-	10	12
3	-	11	13
4	-	11	13
5/1/2	-	7	84
5/3	-	2	78
6	-	0	76

34

4/1	-	0	25
4/2	-	0	76

Contd...p/17

Name of Village	Hadbast No.	Mustaleel No.	Area		
		Killa No.	Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd...p/16

71

5	-	6	83
90	-	0	51
91	-	0	51
95	-	0	51
108	-	1	77
201	-	0	76
266	-	0	76
269	-	0	76
271	-	0	51
274	-	1	01
275	-	0	76
277	-	2	78
278	-	0	51
282	-	0	25

AURANGABAD

38

8			
6	-	8	60
9			
6	-	6	83
7	-	7	59
8/1	-	0	25
8/2	-	9	87
9	-	11	64
10	-	11	13
14/1	-	0	25
14/2	-	0	76
15	-	3	54

Contd...p/18

Name of Village	Hadbast No.	Mustaleel No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd...p/17

10

9	-	0	00
10	-	2	78
11	-	8	35
12	-	11	13
13/1	-	5	82
13/2	-	4	30
14	-	11	13
15	-	10	37

11

11	-	11	13
12	-	10	12
13	-	5	57
14	-	0	76
15	-	0	00
16	-	10	37
17	-	7	84
18	-	5	57
19	-	0	76

12

16	-	6	07
17	-	11	13
18	-	11	13
19	-	11	13
20	-	9	11
25	-	0	76
28	-	2	02

13

18/2	-	0	25
19	-	0	76
20	-	4	05

Contd....p/19

Name of Village	Hadbast No.	Mustaleel No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd...p/18

38

21/1	-	1	01
21/2	-	3	04
22	-	8	35
23	-	11	13
24	-	8	10
41	-	3	04
48	-	0	76
50	-	0	76
51	-	3	04
52	-	1	01
53	-	9	87
64	-	1	26
65	-	0	76

JHAKAULI

37

32

21	-	0	25
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33

21	-	11	13
22/1	-	2	78
22/2	-	8	35
23	-	11	13
24/1	-	5	57
24/2	-	0	76
25	-	1	01

34

24	-	3	04
25	-	11	13

36

3	-	0	25
4/1	-	0	51

Name of Village	Hadbast No.	Mustaleel No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd....p/19

37

5/2	-	7	84
-----	---	---	----

37

1	-	11	13
2	-	11	13
3	-	10	63
4	-	4	05
27	-	15	18
28	-	11	13

38

1	-	4	30
2	-	7	59
3	-	2	78
4	-	0	00
6	-	11	13
7	-	11	13
8	-	2	28
9/1	-	2	02
9/2	-	0	76
29	-	6	32

39

6	-	7	84
7	-	10	63
8	-	11	13
9	-	11	13
10	-	11	13
14	-	0	25
15	-	3	29

40

9	-	0	25
10/2	-	3	04
11	-	7	08
12	-	11	13
13/1	-	8	60

Contd....p/21

Name of Village	Hadbast No.	Mustafai No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd....p/20

37

40

14/2	-	0	51
14/3	-	2	53
17	-	5	57
18/1	-	0	25

41

22	-	1	77
27	-	35	41

49

10	-	0	25
11	-	12	40
12	-	7	08
17	-	1	77
18	-	12	40
19	-	6	07
23	-	0	25
24	-	10	37
25	-	9	61

50

2	-	5	31
3/1	-	6	07
3/2	-	7	34
4	-	2	28
6	-	11	38
7	-	10	37
8	-	0	00
15	-	1	52

62

5	-	2	28
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63

1	-	12	65
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Contd...p/22

Name of Village	Hadbast No.	Mustaleel No.	Area		
		Killa No.	Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd...p/21

37

2	-	6	58
7/3	-	0	25
8/1	-	2	28
8/2	-	9	61
9	-	6	58
13	-	0	51
14	-	12	14
15	-	10	37
16	-	1	77

64

11	-	0	25
19	-	9	36
18	-	0	00
20	-	11	89
22	-	3	04
23	-	1	01
318	-	2	02
323	-	1	01
325	-	1	01
331	-	2	78
360	-	0	51
371	-	0	51
372	-	0	51
373	-	0	51

PABSARA

36

7

28	-	2	78
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8

23/1	-	9	61
24/2	-	7	08

Contd....p/23



Name of Village	Hadbast No.	Mustaleel No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd....p/22

36

10

4	-	3	29
5	-	12	40

11

1	-	5	57
8	-	4	81
9	-	12	40
10	-	3	29
13	-	7	59
14	-	11	64
15/1	-	1	01
15/2	-	0	25
16	-	9	36
17	-	0	25

12

19/2	-	2	28
20	-	12	14
21	-	0	00
22/1	-	9	11
23	-	9	36
24	-	0	25

15

20	-	0	25
21	-	13	66
22	-	0	25

16

1/1	-	0	76
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Contd....p/24

Name of Village	Hadbast No.	Mustaleel No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd...p/23

36

8	-	0	25
9	-	9	87
10	-	11	64
12	-	1	77
13	-	11	89
14	-	9	61
15	-	0	25
16/1	-	8	10
16/2	-	4	55
17/1	-	1	01
25	-	0	76

17

3	-	0	76
4	-	11	13
5	-	11	13
6	-	0	76

26

1	-	0	76
2	-	9	87
3	-	0	51
8	-	6	07
9	-	0	25
68	-	3	29
79	-	1	77
80	-	3	04
83	-	0	51
84	-	1	01

MANAULI

35

10

7	-	0	25
8	-	6	58
13	-	1	01
14	-	13	66

Name of Village	Hadbast No.	Mustaleel No.	Area		
		Killa No.	Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd...p/24

35

15/1	-	0	25
16	-	7	59
17	-	1	26
25/1	-	5	31
25/2	-	0	25

11

21	-	12	40
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21

21/1	-	4	05
21/2	-	6	58

22

1	-	2	02
2	-	12	40
8	-	12	90
9	-	2	02
13	-	1	52
14	-	12	40
16	-	9	11
17	-	1	52
25	-	2	28

29

1/2	-	2	28
2/1	-	8	85
2/2	-	1	52
8	-	11	38
9	-	4	05
13	-	3	54
14	-	10	63
16	-	9	11
17	-	4	81
25	-	5	82

Contd....p/26

Name of Village	Hadbast No.	Mustaleel No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd....p/25

35

30

21	-	9	36
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34

23	-	2	53
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36

2	-	2	02
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3	-	13	41
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4	-	1	52
---	---	---	----

9	-	11	38
---	---	----	----

10	-	6	58
----	---	---	----

11	-	6	58
----	---	---	----

37

14	-	0	25
----	---	---	----

15	-	11	13
----	---	----	----

16	-	2	02
----	---	---	----

17	-	13	41
----	---	----	----

18	-	2	28
----	---	---	----

22	-	7	34
----	---	---	----

23	-	10	88
----	---	----	----

39

21	-	9	11
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40

1	-	6	07
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2	-	9	11
---	---	---	----

8	-	9	11
---	---	---	----

Contd....p/27

Name of Village	Hadbast No.	Mustaleel No.		Area	
		Killa No.	Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd.....p/26

35

9	-	6	07
13	-	6	07
14	-	9	11
16	-	9	11
17	-	6	07
25	-	6	07

53

1	-	6	07
2/1	-	4	30
2/2	-	2	02
8	-	9	11
9	-	5	31
13	-	6	07
14/1	-	7	34
14/2	-	0	25
16/2	-	5	06
17/1	-	5	57
17/2	-	0	51
25	-	9	11

54

6	-	12	40
7	-	0	25
13	-	1	77
14	-	11	89
15	-	0	25
18	-	9	87
19	-	5	57
21	-	12	40
22	-	7	84

Name of Village	Hadbast No.	Mustaleel No. Killa No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6

Contd..p/27

35

**55**

1	-	10	12
2	-	6	58
10	-	3	54

**68**

1/1	-	0	76
411	-	5	82
413	-	41	23
415/1	-	13	41
415/2	-	7	84
415/3	-	20	74
415/4	-	19	73
416/2	-	23	27
248	-	2	78
251	-	2	02
252	-	2	53
349	-	0	76
353	-	0	76
360	-	0	51
361	-	1	01
362	-	0	76

[No. R-31015/9/98-OR-I  
K.C. KATOCH, Under Secy.]

नई दिल्ली, 30 नवम्बर, 1998

का.आ. 2519.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की 1 अगस्त, 1998 को प्रकाशित अधिसूचना सं. का. आ. 1515 का संशोधन करती है, अर्थात् :-

2. उक्त अधिसूचना की अनुसूची में,—

- (i) स्तम्भ सं. 1 के पैरा 1, में, “कापसहेड़ा-नजफगढ़ रोड, बिजवासन, नई दिल्ली- 110061”, शब्दों और अंकों के स्थान पर, “के-33, पल्लवपुरम, फेस 11, मेरठ (उत्तर प्रदेश)”, शब्द और अंक रखे जाएंगे;
- (ii) स्तम्भ सं. 1 के पैरा 2 में, “कापसहेड़ा-नजफगढ़ रोड, बिजवासन, नई दिल्ली- 110061”, शब्दों और अंकों के स्थान पर, “कोठी न.-1318, सैक्टर-7, करनाल-132001 (हरियाणा)”, शब्द और अंक रखे जाएंगे ।

[सं. आर. 31015/4/98-ओ.आर.-1]

के.सी. कटोच, अवर सचिव

New Delhi, the 30th November, 1998

S.O. 2519.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby amend the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 1515 published on the 01st August, 1998 as follows, namely :—

2. In the said notification, in the Schedule,—

- (i) In column 1, in para 1, for the words "Kapashera-Najafgarh Road, Bijwasan, New Delhi-110061", the words "K-33, Pallavpuram, Phase-II, Meerut (Uttar Pradesh)" shall be substituted;
- (ii) In column No.1, in para 2, for the words "Kapashera-Najafgarh Road, Bijwasan, New Delhi-110061, the words "Kothi No.1318, Sector-7, Karnal-132001 (Haryana)" shall be substituted.

[No. R-31015/4/98-OR-I  
K.C. KATOCH, Under Secy.]



## प्रथम मंत्रालय

नई दिल्ली, 3 नवम्बर, 1998

का. प्रा. 2520.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सर्वम रेलवे, बंगलूर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-98 को प्राप्त हुआ था।

[सं. एल.-41012/26/94-आई.प्रार. (बी. I)]

पी. जे. माईकल, डेस्क अधिकारी

## MINISTRY OF LABOUR

New Delhi, the 3rd November, 1998

S.O. 2520.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway Bangalore and their workman, which was received by the Central Government on 2-11-1998.

[No. L-41012/26/94-IR (B-I)]

P. J. MICHAEL, Desk Officer

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Dated, the 15th October, 1998

## PRESENT :

Justice R. Ramakrishna, Presiding Officer.  
C. R. No. 47/97

## I PARTY :

Shri Kishore,  
S/o. Krishnamurthy,  
No. 441, K. N. Agrahar,  
Mysore.

## II PARTY :

The Chief Engineer (Const)  
Southern Railway  
No. 18, Millers Road,  
Bangalore-560046.

## AWARD

The Government of India referred this dispute for proper adjudication on the following schedule :

"Whether the action taken by the Railway Administration in terminating the services of Shri Kishore a casual labour and not considering his case for a absorption in terms of the scheme framed by the Railway Board and modified by the Supreme Court is correct and justified? If not, to what relief he is entitled?"

The dispute was registered and notices are issued to both the parties. Since they are not appeared the notices under Regd. Post Ack. Due was ordered to be issued. The notices issued to the first party returned unserved as the addressee was not found during the delivery time this was on 2-2-1998.

In view of this, the Tribunal issued fresh court notices by R.P.A.D. to both the parties. The second party made appearance after the receipt of the notice. The notice issued to the first party once again returned unserved.

The duty of the person who raise the dispute shall promptly attend before the Tribunal when the matter is communicated to him by Central Government and file claim statement as indicated in the said reference.

3163 GI/98—13

Here is the case where the first party failed to come and make his presence after the receipt of the reference and he could not be served, though efforts are made by this Tribunal.

In these circumstances the reference cannot be proceeded with and therefore this reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 3 नवम्बर, 1998

का. प्रा. 2521.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सर्वम रेलवे, पाल घाट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, तमिलनाडु, चैन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-98 को प्राप्त हुआ था।

[सं. एल-41012/222/94-आई.प्रार (बी.-I)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 3rd November, 1998

S.O. 2521.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Tamil Nadu, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Rly., Palghat and their workman, which was received by the Central Government on 2-11-98.

[No. L-41012/222/94-IR (B.I.)]

P. J. MICHAEL, Desk Officer

## ANNEXURE

## BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU CHENNAI

Tuesday, the 14th day of July, 1998

## PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal

Industrial Dispute No. 48 of 1996

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Sourther Railway, Palghat).

## BETWEEN

Sh. M. Kumaraswamy,  
C/o. General Secretary,  
S.R.L.U., Edapally North.  
Kochi-24.

## AND

Senior Divisional Personnel Officer,  
Southern Railway,  
Palghat-678 001.

## REFERENCE :

Order No. L-41012/222/94-IR (B-1.), Ministry of Labour, dated 27-6-96, Govt. of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 14th day of May, 1998, upon perusing the reference, claim statement, counter statements and all other material papers on record, upon hearing the arguments of Thiru C. P. Menon, Authorised Representative, appearing for the worker and of Thiru C. S. Venkatasubramanian, Advocate appearing for the respondent, and this dispute having stood over till this day for consideration this Tribunal made the following

## AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Southern Railway, Palghat in terminating the services of Sh. M. Kumarasamy an ex-employee w.e.f. 20-7-1974 is just, proper and legal? If not, to what relief is the workmen entitled to?"

2. The main averments contained in the claim statement of the petitioner are as follows : The petitioner was working under Permanent Way Inspector at Podanur, from 21-7-71 to 21-7-94, on 21-7-74, the permanent Way Inspector told the petitioner that no work will be granted to him from that day and he need not come and attend the office in future. The petitioner was kept out of employment without any notice. The petitioner was eligible for temporary status after 120 days of continuous service and on attaining of temporary status he will be eligible to CPC Scale of pay. Since the Divisional Personnel Officer denied petitioner C.P.C. Scale of pay, the petitioner approached the Labour Court at Kozhikode and the Labour Court directed the respondent to pay the C.P.C. arrears. As per Rule 2302 (i) a temporary railway servant shall be liable to be terminated on 14 days notice. Since the petitioner had completed more than 240 days service, he was entitled to one month's notice or notice pay and retrenchment compensation. The respondent management has not paid retrenchment compensation and hence he is entitled for reinstatement with back wages and other benefits. Many juniors of the petitioners are continuing in service which is against Sec. 25H of the I.D. Act. The petitioner has worked for 929 days in total from 21-7-71 to 21-7-74. The petitioner prays to pass an award directing the respondent to reinstate him with all benefits.

3. The main averments found in the counter statement filed by the respondent are as follows : The claim of the petitioner for reinstatement in service with back wages is baseless and untenable. The contention of the petitioner that before termination of service, petitioner should have been given 14 days notice or notice pay under para 2302 (i) of Indian Railway Establishment Manual and one month notice or notice pay under I.D. Act, is misleading. The Conditions of service applicable to permanent and temporary staff do not apply to casual labour. In Railways, there are two sets of casual labourers, one open line casual labour and another project casual labourer. Open line casual labourers are those casual labourers who are primarily engaged to supplement the regular staff in work of seasonal or sporadic nature which arises in day to day working of the respondent's systems. The project casual labourers are those casual labourers who are engaged for execution of railway projects such as new lines, doubling, conversion, constructions of buildings, track renewals, setting up of new lines etc. Service conditions of open line casual labourers and Projects casual labourers are not particularly similar and there is some difference. The question of entitlement of casual labourers to temporary status has to be decided with reference to rules and orders in force governing the matter at the relevant time. The rules and orders governing the grant of temporary status to casual labourers were not static but have undergone changes from time to time. In the case of open line casual labourers, prior to 11-5-73 they were entitled to temporary status and CPC scale of pay on completion of 180 days continuous service, but w.e.f. 12-7-1973, the length of continuous service required was reduced to 120 days of continuous service. The entitlement of temporary status depended on the length of continuous service rendered by a casual labourer. For calculation of continuous service, the various factors such as unauthorised absence, authorised absence, spells of service etc. should be taken into account, have been modified from time to time. Prior to 11-5-73 even a single day of unauthorised absence would constitute a break in service and the earlier casual labour service would not be taken into account for calculation of continuous service w.e.f. 11-5-73. This was modified and stipulated that the unauthorised absence, if it exceeds three days in a period of six months, would constitute a break in service. Another factor which determines the continuous service is the extent of

unauthorised absence. Prior to 11-5-73, if the authorised absence exceeded 15 days in a period of six months, it would constitute a break in service and w.e.f. 11-5-73 the unauthorised absence of three days was included within a period of 15 days authorised absence. The applicant was engaged in railway as Casual Labourer under Permanent Way Inspector/East/Podanur on 21-7-71. But the petitioner was not regular in attending duty, and unauthorisedly absented himself from duty on 6-1-72 to 11-1-72, 3-2-72, 17-5-72. Frequently, petitioner would not turn up for duty for days together and months together. Petitioner did not turn up for duty from 17-8-71 to 20-12-71, 21-6-72 to 27-7-72 from 21-7-73 to 29-7-73 from 21-11-73 to 20-12-73, from 21-2-74 to 28-2-74, from 6-5-74 to 26-6-74 and finally from 21-7-74 onwards. It is denied that the petitioner was kept out of employment by the Permanent Way Inspector/East/Podanur. The petitioner did not turn up for duty from 21-7-74 onwards and voluntarily abandoned his service. The Industrial dispute has been raised in the year 1991 for the alleged termination of service in the year 1974 after a lapse of 17 years. The petitioners conduct in keeping silence for all these years from 1974, leads to logical inference that he had got a better job outside and confirms the fact that he voluntarily abandoned service in the railway. Voluntary abandonment of service by a workman is not retrenchment. For attracting Sec. 25F of the I.D. Act, the termination of service of the workman must be by a voluntary act of the employer. In case of voluntary abandonment of service the service comes to end, not by any positive act of termination by the employer but by the default of the workman himself. The essential ingredients under Sec. 2(oo) of the Act are that there must be a termination of the service of a workman and the termination must be by the employer. While all retrenchment is termination of service, all termination of service is not retrenchment under Sec. 2(oo) of the Act. When it is a voluntary abandonment of service, and the service rules provide for automatic termination of service or deemed resignation from service, the law does not cast any obligation on the employer to hold a departmental enquiry. As stipulated in Note (2) below Exception II to Rule 732 (i) of Indian Railway Establishment Code, the petitioner is deemed to have resigned and ceased to be in Railway employment. As stipulated in para 2302 of Indian Railway Establishment Manual the petitioner is not entitled to the 14 days notice or notice pay. The petitioner has raised the Industrial dispute after a lapse of 17 years and has tried to set up a case of illegal termination as a tactical move to wrangle undue benefits, and to get reinstatement in service. Consequent to the judgement of the Hon'ble Supreme Court in the Inder Pal Yadav's case, a scheme was framed by the Railway Board for grant of temporary status and regular absorption of project casual labour, and detailed procedure was prescribed for this purpose. Simultaneously, in consequence with the said procedure prescribed with respect to project casual labour, a detailed procedure was prescribed by Railway Board for re-engagement of retrenched open line casual labourers vide Railway Board Letter No. E(NG)/II/78/CL/2 dt. 25-4-86 and 21-10-87. According to these instructions, the names of all open line casual labourers who were retrenched on or after 1-1-81 for want of work or on completion of work should be registered in Live casual Labour Register (open line) according to seniority position. This register is used for any subsequent re-engagement of open line casual labourers, if engagement of casual labourers is necessitated for execution of work. The names of open line casual labourers who had worked and discharged before 1-1-1981 for want of work or on completion of work, should be registered in a separate register called as supplementary Live Casual Labour Register (open line) of units of seniority concerned, which was later on modified as Division wise seniority. Their re-engagement will be considered only if the lists of persons already borne in the Live casual register in the respective seniority units is exhausted and there is further need for engagement of casual labour in the seniority unit concerned. As per the Live Casual labour register (open line) prepared as prescribed, there are hundreds of open casual labourers who are still waiting in the queue outside without job due to non-availability of work. There is a restriction of unwarrented engagement of casual labourers. Engagement of fresh factors after 1-1-81 if it is warranted, and re-engagements of retrenched

casual labourers after 8-4-85 required the personal prior approval of the General Manager of the Railway. But, the petitioner has raised this Industrial dispute in the year 1991, after a lapse of 17 years as clever ploy to circumvent the above procedure. In an effort to make out a claim, that too a preferential claim over other open line casual labourers who are still waiting in the list, the petitioner had tried to set up a case of illegal termination from service. If really the petitioner was kept out of employment without notice by the Permanent Way Inspector of East Podanur all of a sudden from 21-7-74, he should have approached the appropriate judicial forum without delay. The claim of the petitioner would have been decided then itself when the full service particulars and the witnesses were available. Knowing very well that the Railway administration will not be able to contest the case effectively at this distant date, the petitioner has raised this Industrial dispute after lapse of 17 years. In *Rata Chandia Sammantra Vs. Union of India* Hon'ble Supreme Court has held that delay itself deprives a person of his remedy available in law and that in the absence of any fresh cause of action or any legislation, a person who has lost his remedy by lapse loses his right as well. In *Secretary to Government of India & Ors. Vs. Shivaram Mahadu Gaikwad* 1995 S.C. (L & S) (1148), three judges bench of the Hon'ble Supreme Court has held that delay should not be over looked while granting relief. Therefore, the claim of the petitioner is liable to be rejected on the ground of delay itself.

4. In the rejoinder statement, the petitioner has stated as follows : Immediately on termination, the workman approached Labour Court u/s. 33(C) (2), for entitlement of C.P.C. arrears. The management is aware that the dispute is pending right from 1974 onwards. The contention that the records are not available with the management is unsustainable and untenable. The contention of the management that they have right to terminate the service of the workman on completion of work is illegal and unfortunate. The order passed by the Labour Court granting C.P.C. scale to the workman establishes right of the workman to continue in service as he has obtained temporary service. A workman who obtained temporary status is entitled for retrenchment compensation and notice pay as prescribed under Section 25-F of the I. D. Act.

5. The petitioner has examined himself as WW1 and Ex. W-1 to W-8 have been marked. No witness was examined on behalf of the respondent management and no document was marked.

6. The point for consideration is : Whether the action of the management of Southern Railway, Palghat in terminating the services of the petitioner w.e.f. 20-7-74 is just, proper and legal. If not, to what relief is the workman entitled to ?

7. The Point : The petitioner Th. Kumarasamy was employed as a casual labour under the respondent management from 21-7-71 to 20-7-74 as found from Ex. W-1 casual labour service card of the petitioner. According to the petitioner he was terminated from service on 21-7-74 and he sent representation dated 10-4-75, 15-7-77, 10-1-86, and 30-8-88 which are marked as Ex. W-5 series. In the year 1990 the petitioner filed an application C.P. No. 4/90 before the Labour Court, Kozhikode u/s. 33(c)(2) of the act claiming C.P.C. scale, arrears and the Labour Court has directed the respondent to pay Rs. 1,273 to the petitioner towards arrears of salary judgement of Labour Court is Ex. W-2, W-3 and W-4 are judgements of the Industrial Tribunal at Alleppey regarding the reinstatement of certain workmen, who were casual labourers under the respondent management.

8. The contention of the petitioner is that he has worked more than 240 days in a year and termination of his service all of a sudden on 21-7-74 without any notice or retrenchment compensation is invalid and he is entitled for reinstatement with backwages. The contention of the respondent management is that the petitioner abandoned his service voluntarily and did not turn up for work after 21-7-74 and did not make any claim for his reinstatement for nearly 17 years and his present claim is stale and belated and hence not maintainable. A perusal of Ex. W-1 service card of the petitioner would show that the petitioner has absented himself between 17-8-71, to 20-3-71, 22-8-71, 26-9-71, 6-1-72 to 11-1-72, 3-2-72, 17-5-72, 30-7-72, 23-4-73 and 28-4-73,

22-8-73, and 19-9-73, 27-9-73, 28-9-73, 6-2-74 and 7-2-74, 3-3-74, 6-5-74 to 20-5-74. If really the petitioner was stopped from work for want of sanction, it would have been mentioned in the service card of the petitioner. During the cross-examination, the petitioner has admitted that in Ex. W-1, it is mentioned that he did not come for work for several days and that his daily wages was Rs. 3.30 and if he gets work outside the wages will be more and if he gets work outside he will go to work outside because of the higher wages and has deined the suggestions that after 21-7-74 since he got better employment with more wages he did not turn up for work in the respondent management. He has categorically admitted that if he gets work elsewhere for higher wages he will go for that work. Therefore, the failure of the petitioner to attend work after 21-7-74 would only go to show that he was more fruitfully employed elsewhere for better salary than under the respondent railway management. If really the petitioner was terminated from service on 21-7-74, he would not have kept quiet for more than 17 years. Now before this Tribunal the petitioner has produced four letters Ex. W-4/ series, said to have been sent on 10-4-75, 15-7-77, 10-1-86, and 30-8-88. All these letters are xerox copies of the copy of letters said to have been sent to the respondent management. The copy of original letters have not been produced. Only xerox copies of the copies have been produced before this Tribunal. A perusal of Ex. W-5/series letters would show that all these four letters have been written by one and the same persons. There is no proof like registered post receipt acknowledgment card or certificate of posting produced by the petitioner to prove that these letters were actually sent by him to the respondent management. On the other hand he has categorically admitted during cross-examination that from 1974 till 1990 in the year in which he filed claim petition, he did not send any letter for his reinstatement in service. The above categorical admission would clearly show that Ex. W-5/ series letters have been prepared by the petitioner, for the purpose of this case.

9. If really the petitioner was terminated from service on 21-7-74 he should have taken some action for his reinstatement in service. For the first time, he has sent a letter dated 30-10-91 to the Regional Labour Commissioner (Central) at Ernakulam regarding his non-employment. The said letter has been referred in the proceedings of the Regional Labour Commissioner dated 2-12-91 which has been marked as Ex. W-7. The reply of the respondent management submitted before the Assistant Labour Commissioner (Central) Madras for the dispute raised by the petitioner is Ex. W-8, wherein the respondent has contended that the petitioner had no complaint regarding his termination of service till the disposal of his petition in C.P. No. 4/90 i.e. for a period from 1974 to 1990 (16 years) and that the petitioner has not produced any proof to establish that he was holding correspondence with the railway authorities. The conciliation failure report dated 31-8-94 is Ex. W-6. The petitioner has failed to produce any proof for his correspondence with the respondent management regarding his reinstatement in service or employment either before the Conciliation Officer or before this Tribunal and he has categorically admitted that he has not sent any application for his reinstatement in service. The authorised representative for the petitioner wanted to reply upon the judgements Ex. W-3, W-4 of Industrial Tribunal, Alleppey that the concerned labour in these disputes were entitled for reinstatement with backwages. The facts of those Ex. W-3 and W-4 judgements of the Industrial Tribunal, Alleppey, are different from the facts of this case in the sense that the casual labourers in Ex. W-3 and W-4 were having correspondence with the railway management regarding their re-employment or re-engagement continuously for several years. As far as this case is concerned the petitioner has not filed any application before the respondent for re-engagement or re-employment. In fact after the judgement of the Hon'ble Supreme Court in *Inder Pal Yadav's* case, a scheme was framed by the Railway Board for grant of temporary status and regular absorption of the casual labourers and detailed procedure was prescribed for the said purpose. According to the instructions, of the Railway Board, the names of all open line casual labourers who were engaged on or before 1-1-81 and terminated for want of work or on completion of work should be registered in live casual labour register (open line) according to seniority position. The names of open line casual labourers who had worked and discharged before 1-1-81 for want of work or on completion of work should be registered in a separate register called as supplementary live casual labour register (open line)

of unitwise seniority concerned. The scheme was given a wide publicity regarding applications with documentary proof before 31-3-87 and any application which was made subsequently would not be considered. The petitioner has not produced any document to show that he has made any application before the respondent management to include his name in the live casual labour register.

In AIR 1993 SC 2276 Ratan Chandra Sammantha & Ors. Vs. Union of India & Ors, the Hon'ble Apex Court has held as follows :

"Two questions arise, one if the petitioners are entitled as a matter of law for re-employment and other if they have lost their right if any due to delay. Right of casual labourer employed in projects, to be re-employed in railways has been recognised both by the Railways and this Court. But unfortunately the petitioners did not take any step to enforce their claim before the Railways except sending a vague representation nor did they even care to produce any material to satisfy this Court that they were covered in the scheme framed by the Railways. It was urged by the learned counsel for petitioners that they may be permitted to produce their identity card etc. before opposite parties who may accept or reject the same after verification. We are afraid it would be too dangerous to permit this exercise. A writ is issued by this Court in favour of a person who has some right. Not for sake of roving enquiry leaving scope of manoeuvring. Delay itself deprives a person of his remedy available in law. In absence of any fresh cause of action or any legislation a person who has lost his remedy by lapse of time loses his right as well. From the date of retrenchment if it is assumed to be correct a period of more than 15 years has expired and in case we accept the prayer of the petitioner we would be depriving a host of others who in the meantime have become eligible and are entitled to claim to be employed. We would have been persuaded to take a sympathetic view but in absence of any positive material to establish that these petitioners were in fact appointed and working as alleged by them it would not be proper exercise of discretion to direct opposite parties to verify the correctness of the statement made by the petitioners that they were employed between 1964 to 1969 and retrenched between 1975. Writ petitions are dismissed. But there shall be no order as to costs."

In this case, after the alleged termination in 1974, the petitioner has not taken any step for his re-engagement or re-employment till 30-10-91. The C.P. filed by the petitioner claiming arrears of C.P.C. scale has been decided on 19-3-91. Only eight months later to the said order of the Labour Court, Kozhikode, and about 17 years after his alleged termination of service, the petitioner has raised the Industrial dispute by way of a letter dated 30-10-91 to the Regional Labour Commissioner (Central) at Cochin. I have already held that Ex. W-5/series letters are highly doubtful in character and should have been prepared only now for the purpose of the case. The petitioner has also categorically admitted that from 1974 to 1990 he has not taken any action by way of sending any letter to the respondent for his re-employment or reinstatement. As decided by the Hon'ble Apex Court, in the above referred judgement, the petitioner has lost his right if any by delay and his present claim is stale and hence petition is dismissed.

In the result, award passed dismissing the claim of the petitioner-workman. No costs.

Dated, this the 14th day of July 1998.

S. ASHOK KUMAR, Industrial Tribunal  
WITNESSES EXAMINED

For Petitioner-workman :

W.W. 1 : Thiru M. Kumarasamy.

For Respondent-management : None.

DOCUMENTS MARKED

For Petitioner-workman :

Ex. W-1/ : Service card of petitioner (xerox copy)

Ex. W-2/19-3-91 : Judgement of C.P. (C) No. 4/90 (xerox copy).

Ex. W-3/19-1-91 : Judgement of Award of I.T. Alappuzha in I.D. 140/89 (xerox copy).

Ex. W-4/1-10-92 : Judgement of Award in I.D. No. 202/90 (xerox copy).

Ex. W-5/series : Applications given by petitioner for employment (xerox copies).

Ex. W-6/31-8-94 : Conciliation failure report (xerox copy).

Ex. W-7/2-12-91 : Letter from Assistant Labour Commissioner (Central) (Xerox copy).

Ex. W-8/3-5-94 : Letter of Sr. Divl. Personnel Officer, Palghat (xerox copy).

नई दिल्ली, 5 नवम्बर, 1998

का.मा. 2522.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार साउथ सेंट्रल रेलवे अनांतपुर के प्रबंधन के संबंध में निम्नलिखित निर्णयों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण I हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-11-98 को प्राप्त हुआ था।

[सं. एल-41012/229/95-आईआर (बी-1)]  
पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 5th November, 1998

S.O. 2522.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal-I, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of South Central Railway, Anantpur and their workman, which was received by the Central Government on the 3-11-98.

[No. L-41012/229/95-IR(B.I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT  
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I,  
Hyderabad.

Dated : 18th day of February, 1998

INDUSTRIAL DISPUTE NO. 14 OF 1997

BETWEEN

Sri Dhanamaiah, Ex. C&W.  
Khalasi, D. No. 171/A, Gandhi Chouk,  
Pakala Post, Chittoor District. Petitioner.

AND

The Divisional Railway Manager,  
South Central Railway,  
Guntakal Post, Ananthapur District Respondent.

APPEARANCES :

Sri V. Rajgopal and Smt V. Anusuya Rajgopal, Advocates for the petitioner.

Sri A. K. Jayaprakash Rao, Advocate for the Respondent.

## AWARD

The Government of India, New Delhi by its Order No. L-41012/229/95-IR(B.I.), dated 10-3-97 made a reference to this Tribunal U/s. 10(1)(d) and Sec. 2(A) of the I.D. Act, 1947 for adjudication of Industrial Dispute mentioned in the schedule which reads as follows :

"Whether the action of the management of Divisional office, South Central Railway, Guntakal in dismissing the services of Shri Dhanamalah, Ex. C&W Khalasi, Tirupathi is legal and justified. If not, what relief workman is entitled to ?"

2. Both the parties appeared and filed their pleadings.

3. The workman himself filed a claim statement on 26-8-97, contending that he was absented for the period from 10-12-85 to 23-10-86 i.e. 71 days due to his wife was ailed from a chronic psychiatric disease, with depression and suicidal tendency and that the management removed his services due to unauthorised absence. He prayed for reinstatement and the order of removal dated 22-12-97 may be set aside.

4. The respondent filed a counter on 29-12-97 contending that the petitioner himself absented without permission or sanctioned leave. Hence he was charge sheeted. It prayed for the order passed by it may be upheld.

5. On 23-1-98 the respondent filed the documents and the petitioner has not filed any documents. For hearing on validity of domestic enquiry, the matter was posted to 11-2-98. On that day neither the petitioner nor his counsel appeared. To give a chance to the petitioner the matter was posted to 18-2-98.

6. On perusal of the docket sheet the petitioner and his counsel have no interest to prosecute the matter. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal, on this the 18th day of February, 1998.

V. V. RAGHAVAN, Industrial Tribunal-I

N. B.: This Award is being sent now as the petition I.A. No. 47/98 filed by the petitioner, to restore the I. D. is dismissed today i. e. on 6-7-98.

Given under my hand and the seal of this Tribunal, this the 6th day of July, 1998.

C. V. RAGHAVAN, Industrial Tribunal -I Hyd,

No oral or documentary evidence adduced on either side.

C. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 5 नवम्बर, 1998

का.भा. 2523.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्र प्रदेश मिनरल डेवलपमेंट कारपोरेशन के प्रबंध-तंत्र के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-11-98 को प्राप्त हुआ था।

[सं. एल-29012/5/96-आई आर (विधि)]

बी. एम. डेविड, ईस्क अधिकारी

New Delhi, the 5th November, 1998

S.O. 2523.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Andhra Pradesh Minerals Development Corporation, and their workman, which was received by the Central Government on the 5-11-98.

[No. L-29012/5/96-IR (Misc.)]

B. M. DAVID, Desk Officer

## ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL CUM  
LABOUR COURT, VISAKHAPATNAM

PRESENT :

Sri K. Satyanand, B.Sc., LL.M., Chairman & Presiding Officer.

Monday, the 20th day of April, 1998

I.T.I.D. No. 7/96(C)

BETWEEN

President,  
APMDC Staff and Mazdoor Union,  
Dwarka Tirumala,  
(WG Dist.)

.. Workman.

AND

The Project Manager,  
Andhra Pradesh Minerals Development  
Corporation, Dwaraka Tirumala (West  
Godavari Dist.)

.. Management.

This dispute coming on for hearing before me in the presence of Dasaka Lakshmana Sastry, advocate for workman and of Sri M.G.P. Murali, advocate for Respondent. On perusing the material papers on record the Court passed the following :

## AWARD

Workman filed petition seeking permission to withdraw with permission to file afresh U/S 2A(2) in the proper Labour Court. Petition allowed granting permission accordingly. I.D. closed passing Nil Award in terms thereof.

Given under my hand seal of the Court this the 20th day of April, 1998.

K. SATYANAND, Chairman, Industrial Tribunal and Presiding Officer

नई दिल्ली, 9 नवम्बर, 1998

का.भा. 2524.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. प्रो. एन. जी. सी. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गुजरात (अहमदाबाद) के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-98 को प्राप्त हुआ था।

[सं. एल-30011/6/83-बी-III बी/आई आर (सी-I)]

श्याम सुन्दर गुप्ता, ईस्क अधिकारी

New Delhi, the 9th November, 1998

S.O. 2524.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal,

Gujarat (Ahmedabad) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. and their workman, which was received by the Central Government on 9-11-98.

[No. L-30011/6/83-DIIB/IR(C-I)]

S. S. GUPTA, Desk Officer

#### ANNEXURE

#### BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, (CENTRAL) AT AHMEDABAD

(Shri B. I. Kazi, B.Sc., LL.B., Member)

Ref. (ITC) No. 22 of 1984

Oil and Natural Gas Commission,

Mehsana.

..First Party.

Vs.

The workmen employed under it.

..Second Party.

In the matter of initial pay of S/Shri Jaduram Pandya, Sarbirsingh, P. C. Sharma, Mahesh Kumar, Satyanarayan Sharma, V. C. Vora and S. C. Ceur, all Firemen Gr. III of ONGC, Mehsana.

#### APPEARANCES :

Shri S. C. Rangwala, Advocate, for the first party.

Shri N. R. Mehta, Advocate, for the second party.

#### AWARD

The Under Secretary, Ministry of Labour and Rehabilitation, New Delhi as per his order No. L. 30011/6/83-D.II(B) dated 2nd March, 1994 referred the Industrial Dispute between above mentioned parties for adjudication 10(1)(d) of the Industrial Disputes Act, 1947 to this Tribunal to the Schedule as under ;

"Whether the action of the Project Manager, Oil and Natural Gas Commission, Mehsana in reducing the initial pay of S/Shri Jaduram Pandya, Sarbirsingh, P. C. Sharma, Mahesh Kumar, Satyanarayan Sharma, V. C. Vora and S. C. Gaur, Firemen Grade-III, vide his Office Order of September, 1982 was legal and justified? If not, to what relief are the workmen concerned entitled?"

2. After the receipt of the reference order, the Tribunal issued notice to the second party Union to file statement of claim as per Ex. 2. The second party filed statement of claim as per Ex. 7. The brief facts of the statement of claim are that the concerned workmen were called for interview for the post of Firemen, Gr. II in the pay scale of Rs. 300—500 on 10-1-1980 and finding them suitable, the concerned seven persons were selected for temporary post of Firemen Gr. III on initial pay of Rs. 290 p.m. in the pay scale of Rs. 290-6-320-8-400 vide office Memo No. MAL/RCTT/1(17)/Firemen-Gr. III/80 dated 25-5-80. In the above said memo there was no mention that even after completion of the probation the initial pay could be brought down to lower grade. Consequently the joining reports were submitted by the above seven individuals as firemen, Gr. III and they were accepted by the Administrative Officer (P), ONGC, Mehsana and the concerned workmen joined the service of ONGC on various dates i.e. from June, 1980 to November, 1980. A provisional seniority list of firemen Gr. III as on 1-4-1981 in the pay scale of Rs. 290—400 was circulated to all the above seven persons and in that list also their initial pay has been shown as Rs. 290. In September, 1982, the Project Manager, ONGC, Mehsana vide office order No. NHN/RCT-1(17)/Firemen-Gr. III/18 dated September, 1982 issued the partial modification order to the office memo of even No. dated 30th May, 1980 changing Part I of the original order, wherein the above seven individuals have been informed that they have been selected for temporary post of Firemen Gr. III on initial pay of Rs. 260 after satisfactory

completion of probation period, they will be given minimum of the scale which is pay scale of Rs. 290—400 with initial pay of Rs. 290 which is illegal, invalid, void ab initio, as the Project Manager, ONGC, Mehsana has got no authority to change the condition of initial appointment. After about a lapse of about 2 years and 4 months, the above seven individuals objected to the above, to the management, but the management started to recover the excess initial pay as per the order dated September, 1982 paying Rs. 260 as initial pay increased to Rs. 290 which was also objected by the second party by letter dated 4-1-1983. The second party also requested the management to stop the recovery, but the recovery has been made from the individuals' emoluments in instalments. This action of the ONGC in lowering initial pay of above seven persons is illegal, invalid and void ab initio. In view of aforesaid facts and circumstances and it is requested to hold and declare that ONGC has acted erroneously, manifestly, illegally in lowering the initial scale of the workmen and to hold that the impugned action of the ONGC in lowering the initial scale of the workmen is illegal and inoperative in law and also requested for the relief that the first party should be directed to allow the above seven workmen to draw the initial pay of Rs. 290 from the date of joining and to refund the full amount with interest to the above said workmen and to grant other relief as the Tribunal think fit and proper with cost and for compensation.

3. The first party Commission has filed written statement by Ex. 30. The brief facts are that the contents of the statement of claim of the Union are not true and are not admitted by the Commission and the reference is not legal and not tenable and deserves to be rejected. The various statements, averments and allegations in paras. 1 to 10 of the statement of claim are not true and are not admitted by the Commission, unless they are specifically admitted. The Commission raised the preliminary contention that the settlement was signed on 22nd November, 1979 in which the pay scales of unionised categories were revised simultaneously and executive order was issued on 22-11-79. It was stated that in the pay scale of Rs. 290—400 candidates will be appointed on an initial pay of Rs. 260 per month and they will be brought on Rs. 290 on successful completion of probation period. The Employees Mazdoor Sabha was one of the parties to the said negotiations and settlement and Sabha precluded to renege from the above said agreement. Any other view taken in this matter could have far-reaching adverse effect on harmonious industrial relations. Mehsana Project had invited persons to apply for the post of Firemen Gr. II on 5-6-1979 and interviews were held on 10-1-1980 and seven persons were selected. But before the offers could be issued, the Commission had revised the existing R&P Regulations in which the induction level was given as Firemen Gr. III in the pay scale of Rs. 290—400 instead of Firemen Gr. II. This revised regulations came into force with effect from 25-4-1980. At the time of revision of Classes III and IV employees signed between the management and all the recognised unions, including Mazdoor Sabha an executive order was issued on 24-11-79, to the effect that the categories mentioned therein (9 papers) whose pay scale was revised to Rs. 290—400 will be appointed at the initial of Rs. 260 and they will be brought at a Rs. 290 after completion of probation. The category of Firemen Gr. III was not there since it had come into existence only from 25-4-80 on the introduction of new R&P Regulations. The Project authority inadvertently inferred that categories in the pay scale of Rs. 290—400 mentioned in the circular are only to be given a start of Rs. 260. The categories mentioned in the circular are only illustrative and not exhaustive and hence offer of appointment for Firemen Gr. III issued in May, 1980 should have been at the initial of Rs. 260. Subsequently, a clarification was also received from the head quarters (Annexure-I) under circular No. 11(1)/79-R&P dated 12-1-82 to the effect that all the appointments, in pay scale of Rs. 290—400 will be governed by the provision of circular dated 29-11-79. With regard to para 3 of the statement of claim it is stated that the workmen concerned was selected for temporary post of Firemen Gr. III in the pay scale of Rs. 290—400. However, due to inadvertent omission, it was not stated that the concerned workmen will start on initial pay of Rs. 260 p.m. The averments in para 5 of the statement of claim are denied with regard to the averments in para 6 it is submitted that the Project Manager had issued

modified order in September, 1982, for the initial pay of Rs. 260 on first year and thereafter in the grade of Rs. 290—400 after satisfactory completion of probation period of one year. The contention that Project Manager, Mehsana had got no authority to challenge the condition of initial appointment is mis-conceived and baseless. With para 7 of the statement of claim the seven workmen have objected but the grievance is unjustified on merits and therefore deserves to be rejected. The averments in paras 8 and 9 of statement of claim are denied. The claim is not justified on merits. With regard to para 10 of statement of claim it is submitted that the action of Commission is quite proper and legal. Thus the contention of the Sabha that the action of Commission in lowering the initial pay of seven workmen is illegal, invalid and void-abinitio. Advices and it is denied that the Commission had acted 'fraudulently', 'malafidely' and 'illegally' in lowering the initial scale of the workmen. In view of the revised P&R, the Commission has sought for permission from the Regional Office to issue offer of appointment to selected candidates for the post of Firemen Gr. III instead of Gr. II subject to their acceptance. The Regional Office permitted and accordingly, the offers of appointment were issued for the post of Firemen Gr. III at a minimum scale of Rs. 290 in the scale of Rs. 290—400. In the year 1981, this Project had again conducted interviews for the posts of Firemen Gr. III and after interview, offers of appointment at the initial pay of Rs. 260 in the scale of Rs. 290—400 were issued. Thus the action taken by the Management in setting down the pay of the concerned workmen for the first year is as per the instructions of the Commission, which is quite legal and proper. Therefore the concerned workmen in the present reference are not entitled to any relief prayed for in the present reference and that the same deserves to be rejected with cost.

4. The second party Union has submitted list of documents by Ex. 4, by Ex. 32, and by Ex. 47. The first party Commission has submitted list of documents vide Ex. 38, and Ex. 75. As there was no endorsement regarding exhibition was made of the document by the first party on the list at Ex. 4, no exhibit was given to the above documents listed at Ex. 4. By Ex. 32, the second party has produced 4 documents and they are duly exhibited as Ex. 49 to Ex. 52. By Ex. 48 there are 6 documents and they are exhibited by Ex. 55 to Ex. 60. The first party by Ex. 38 has submitted 2 documents exhibited as Ex. 53 and 54 and by list at Ex. 75, 4 documents have been produced and they are exhibited as Ex. 76 to Ex. 79.

5. Ex. 49 is the order of ONGC, Mehsana Project dated 31-12-79 regarding the interview of Shri P. C. Sharma, Ex. 50 is the office memo dated 29-5-82 regarding appointment of Shri P. C. Sharma. Ex. 51 is the order of the Commission dated 3-6-80 regarding the appointment and assigning duty. Ex. 52 is the office order dated nil September, 1982 of Shri P. C. Sharma regarding modification of office memo dtd. 30-5-80. In part I of the same office memo initial pay for the post of Fireman Gr. III was changed to Rs. 260 instead of Rs. 290 during the probation period. Ex. 55 is the office order dated 11-2-80 of Shri V. B. Chaudhary. Ex. 56 is the joining report of Shri Choudhary dated 2-2-80. Ex. 57 is the office order dated 3-1-85 Ex. 58 is the office order dated 24-4-85 regarding security guards. Ex. 59 is the office order dated 25-6-85 of Shri V. B. Choudhary. Ex. 60 is the details of post and grade and with pay scale as per old P&R 1970. Ex. 53 is the office order dated 5-6-79 regarding qualification and scale of pay of various posts. Ex. 54 is the office memo issued by ONGC, Dehradun dated 12-1-1982. Ex. 76 is the Gazette of India (Extraordinary) Part-III Section IV dated 25-1-1975—a notification regarding ONGC. Ex. 77 is the Gazette of India (Extraordinary) Section IV dated 24-4-80 regarding recruitment and promotion rules, 1980 of the ONGC. Ex. 78 is the office memo of Settlement 1979 signed by ONGC and Employees Union Association dated 22-11-79. Ex. 79 is the office copy of the agreement dated 29-11-79.

6. The second party has submitted list of documents Mark 4/1 is the copy of the letter dated 4-3-83 addressed by the individuals of the Sabha. Mark 4/2 is the copy of the office order dated September, 1982 i.e. 1(a) to 1(g) total 7 papers. Ex. 4/3 is the copy of the office order dated 22nd August, 1980, 20-6-80, 3-6-80, 29-6-80, 25-11-80, 25-6-80 and 3-6-80

(all in seven) Mark 4/4 is the copy of office memo dated 29/30-5-80 (two pages each) total seven. Mark 4/5 is the photostat copy of memo dated 30-4-79 (total 5). Mark 4/6 is the photostat copy of provisional seniority list of Firemen Gr. III, Western Region appointed as on 1-4-81. On this list the first party has endorsed that no objection in exhibition to page Nos. 28 to 33 and these pages 28 to 33 are the appointment letter dated 29/30-5-1980. Thus they are to be taken into consideration for the evidence purpose.

7. By Ex. 30, the second party has examined Shri Prakash Chandra Gurunaranayan. By Ex. 48 the second party has closed their evidence.

8. By Ex. 72, the first party has examined Shri Suresh-chandra Singal. By Ex. 81, the first party has closed then evidence.

9. Heard, learned advocate Shri N. R. Mehta, on behalf of the second party. It is the say of Shri Mehta that interview was taken for firemen Gr. II in the scale of Rs. 300—500, but after interview, the appointment was given to the concerned workmen in Firemen Gr. III in the scale of Rs. 290—400. Thus by the settlement a new grade was introduced as a Firemen Gr. III and that settlement has been produced by the first party. Looking to the appointment letter it can be seen that though the settlement was in existence, the first party did not mention regarding the clause of probation. Thus in the appointment letter the grade of Rs. 290—400 have been shown and then after the grade was reduced and recovery order has been passed by the first party. Thus notice of change was necessary for the reduction of wages and it has not been given by the first party and so the action of the first party is illegal, improper and void-abinitio.

10. Though proper opportunity was given to the first party to submit their arguments. The first party did not submit any arguments written or oral.

11. Looking to the terms of reference the following points are to be decided for my consideration :

- Whether the action of the Project Manager, ONGC, Mehsana in reducing the initial pay of concerned workmen as shown in schedule vide office order of September, 1982 was legal and justified ?
- If not, to what relief the concerned workmen are entitled ?

My answer to the above issues are as under :

- No.
- The concerned workmen should be repaid if the reduction are made from wages, the amount of reduction as per the office order of September, 1982.

Reasons :-

Looking to the factual aspect there is no dispute that the first party has issued office order to the concerned workmen for the appointments of Firemen Gr. III. The appointment orders of the concerned workmen are entitled and Ex. 3 and Ex. 4 as pages 28 to 33. Their looking to the terms of appointment orders of the concerned workmen the initial pay of the concerned workmen was Rs. 210-320-8-400 and the post for which they are appointed issued was for the post of Firemen Gr. III. Thus the appointment letter is the contract between the parties and they are binding to the parties. However, if the first party issued office order No. MHN/RCIT/1(17)/Firemen Gr. III/80/910 dated nil September, 1982 and by this office order the first party has made partial modification of the office memo of even No. dated 30-5-80 in part-I of the said office memo, and though the appointment was in the scale of Rs. 290-400, the concerned workman's initial pay was reduced to Rs. 260 p.m. plus other allowances admissible and after satisfactory completion of probation period, he will be given minimum of the scale of Rs. 290. The concerned workman were presented the mischief for job as per the appointment order and they have accepted the appointment as per the appointment letter given to them. Thus joining reports were submitted by the concerned work-



man as Firemen Gr. II and it was accepted by the administrative officer (P), ONGC, Mehsana and they have joined the service of ONGC in the months ranging from June to November, 1980. Not only that the provisional seniority list of Firemen Gr. III Western Region as on 1-4-1981 in the pay scale of Rs. 290—400 was circulated to all the above seven concerned workmen and in that seniority list their initial pay has been shown as Rs. 290. Thus after a lapse of more than 2 years in September, 1982, the Project Manager, ONGC Mehsana vide office order No. NHN/RCTT/1(17)/Firemen Gr. III/80 dated September, 1982 issued partial modification order to the office memo of even No. dated 30-5-1980 changing part-I of the original order, wherein by reducing their initial pay they have been selected for the temporary post of Firemen Gr. III by an initial pay of Rs. 260 p.m. and after satisfactory completion of probation period they will be given minimum of the scale of Rs. 290 in the pay scale of Rs. 290-6-520-8-400 plus other allowances as admissible under rules, but looking to clause 6(4) in the same settlement, on page 3, a duty is cast on the appointing authority with a suitable clause to the above effect is included in the above-mentioned post. Thus clause 6(4) is as under :

"The concerned authority is requested to ensure that a suitable clause to the above effect is included in the case of new entrants to the above-mentioned post."

Now in the light of clause 6(4) it was the duty of the first party to mention clause 6(3) whether appointment letter in the case of the concerned workmen, but the appointing authority has failed to do so and after a lapse of more than 2 years the authorities recovered the amount from the concerned workmen. Thus there was no mention in the appointment letter though issued after the date of settlement and though provided in the clause of settlement regarding the probation period and pay scale and not only that the probation period is for one year and time has been lapsed too. Thus it was the clear omission on the part of the first party to mention the said clause in the settlement, in the appointment letter of the concerned workmen.

13. Looking to Section 9(a) of the Industrial Disputes Act, 1947, the employer cannot change unilaterally the conditions of service to the prejudice of the workmen. Thus the employer has to afford opportunity to the concerned workmen regarding the fact of the proposed change and if necessary the employer has to seek a view on the proposal. In other words Section 9(1) was engaged with a view to protect the interest of workmen, who may be affected by the proposed change by the employer. This section is thus a mandatory provision. It was held in

(i) Tata Iron & Steel Co. Ltd. vs. The workmen, 1972 II LLJ. 259 (SC).

(ii) Navbharat Hindi Daily, Nagpur v. Navbharat Shramik Sangha, 1984 Lab. I.C. 445. (448) Bom.

Thus Section 9(a) requires the employer who proposes to effect any change in the conditions of service applicable to any workmen in respect of any matter specified in the Schedule IV, to give to the workmen likely to be affected by such change, a notice in the prescribed manner of the nature of the change proposed to be effected, before effecting such change. Further the employer is enjoined not to effect the proposed change within 21 days of the notice. Thus the change in conditions of service comes within Schedule IV of the I.D. Act and the management cannot change the conditions of service without following Section 9(a) of the I.D. Act, 1947. Admittedly there is no such notice given in this case and in pursuant to the order of September, 1982 and the recovery was made from the wages of the concerned workmen. Thus item 4 in Schedule IV is wages including the period and mode of pay. In Jarta Co?op. Sugar Mills Ltd. Bhogpur v. Labour Court 1987 Lab. IC. 1093, an employer was promoted and given higher scale of pay and later on under an administrative order was told that he was put in lower scale of pay. He filed an application under Section 23(C) (2) of the Act for recovery of pay according to higher scale of pay. The labour Court held that later reduction of scale of pay without a notice was violative of Section (a) and the employee was entitled to higher scale of pay. Writ petition challenged the order of labour

Court (Punjab & Haryana) was dismissed. Thus in this case also looking to the facts to administrative order has been issued by the first party to the concerned workman by modifying clause 6(3) after lapse of 2 years of appointment and not only that there was no clause in the appointment letter regarding provisional pay. Thus the order given to the second party of 1982 is in violation of Sec. 9(a) of the I.D. Act. Thus the action of the first party i.e. Project Manager, Oil & Natural Gas Commission, Mehsana in reducing the initial pay of S/Shri Jaduram Pandya Sarbirsingh, P. C. Sharma, Mehesh Kumar, Satyanarayan Sharma, V. C. More and S. C. Gaur, Firemen Grade-III, vide his Office order of September, 1982 is not legally justified.

14. Looking to the above conclusions recovery done by the first party is not legal and proper. Hence any amount recovered from the wages of the concerned workmen should be repaid back to them. Hence I pass the following order.

#### ORDER

The reference is allowed. The action of the first party-Project Manager, Oil & Natural Gas Commission, Mehsana in reducing the initial pay of S/Shri Jaduram Pandya, Sarbirsingh, P.C. Sharma, Mehesh Kumar, Satyanarayan Sharma, V. C. Vora and S.C. Gaur, Firemen Gr. III vide Order dated nil of September, 1982 is hereby set aside and the first party is hereby directed to pay to the concerned workmen the amount recovered from their wages. The first party shall pay a cost of Rs. 1000 to the Union. This award is to be implemented within 60 days from the date of receipt of this Award.

B. I. KAZI, Presiding Officer

Ahmedabad, 30th September 1998.

नई दिल्ली, 9 नवम्बर, 1998

का.पा. 2525.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी. सी. सी. एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-98 को प्राप्त हुआ था।

[सं. एल-20012/157/95-आई.पार. (सी.-I)]

श्याम सुंदर गुप्ता, डेस्क अधिकारी

.. New Delhi, the 9th November, 1998

S.O. 2525.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No.-2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C. L. and their workman, which was received by the Central Government on 9-11-98.

[No. L-20012/157/95-IR(C-I)]

S. S. GUPTA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD  
PRESENT:

B. B. Chatterjee, Presiding Officer.



In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 51 of 1996

#### PARTIES :

Employers in relation to the management of M/s. B.C.C.L. and their workman.

#### APPEARANCES:

On behalf of the workmen—Shri S. Bose, Treasurer, R.C.M.S.

On behalf of the employers—Shri H. Nath, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 27th October, 1998

#### AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/57/95-I.R. (C-1), dated, the 7th/12th June, 1996.

#### SCHEDULE

"Whether the demand of the Union for the reinstatement of Shri Jagbali Thakur, Mining Sirdar dismissed w.e.f. 30-10-93 in the full back wages is justified? If so, to what relief is the concerned workman entitled?"

2. The concerned workman has made out a case in his W.S. which may be stated as follows :—

The concerned workman Shri Jagbali Thakur was a permanent employee of Moonidih Project under BCCL in the capacity of Mining Sirdar where he was performing his duties under statutory provision of Mines Act and thereby acquired a clean record of service under the management. But the Project Officer, Moonidih Project issued a chargesheet against him on 25/26-5-93 on fictitious ground under provision 26-1/10 of Certified Standing Order of habitual indiscipline or wilful insubordination or disobedience etc. by disobeying the lawful and reasonable order of the higher authority. The concerned workman on receipt of the chargesheet by his letter dt. 29-5-93 submitted his explanation denying the allegations levelled against him and by stating the actual state of affairs and thereby disclosing that he had no contribution in the matter of disobedience for which the question of commission of any misconduct by him did not arise. The management was not satisfied with the explanation and as such order a departmental enquiry but without holding any proper investigation into the allegation to the effect that the concerned workman constructed a big Khatal near his quarter. Thereafter the Project Officer by his order dt. 30-10-93 dismissed the concerned workman from service with immediate effect. The management abstained from supplying a copy of the enquiry report to the concerned workman with a view to enable him to clarify his position before the order of dismissal was issued. As against the order of such dismissal the concerned workman agitated the same before the 3163 GT/98—14

higher authority of BCCL but without any effect and as such the concerned workman through his union RCMS hanbad by letter dt. 6-12-93 raised an industrial dispute before the ALC(C), Dhanbad the ALC(C) made attempt for conciliation but the same having ended in failure submitted a report to that effect by his letter dt. 4-5-95 on the basis of which the Govt. of India, Ministry of Labour has referred the dispute to this Tribunal for adjudication according to law. The concerned workman has claimed in the W.S. that the management acted in prejudicial manner and ordered disciplinary proceeding against him without proper investigation into the allegation levelled against the concerned workman in the Chargesheet mentioned above. The management has also violated the principles of natural justice by not furnishing a copy of the enquiry proceeding on the basis of which the order of dismissal was passed against him and as such the action of the management is arbitrary, illegal, improper and also amounts to unfair labour practice for which the concerned workman has prayed for an award in his favour by an order directing the management to reinstate him with full back wages and for such other relief as may be deemed fit and proper by this Tribunal.

3. The management has also submitted a W.S.-cum-rejoinder wherein the management has challenged the maintainability of the present reference and has also made out a case to the effect that the concerned workman Shri Jagbali Thakur was working as Mining Sirdar at Moonidih Project. He was directed by the management by letter No. MND/PO/Per/93/879 dated 7/8-5-93 to remove or demolish "Khatal/Cow Shed" unauthorisedly constructed by him near the company's quarter allotted to the concerned workman. As the demolition was directed to be made within 3 days from the receipt of this letter and the concerned workman did not comply with the direction and as such chargesheet being No. MND/PO/Per/DA(DR)/26/93/1006 dated 26-5-93 was issued under clause 6.1.10 of the Certified Standing Order applicable to the workmen like that of the concerned workman for wilful insubordination or disobedience of any lawful or reasonable order of higher authority and the reply dt. 19-5-93 was considered to be not satisfactory and as such the enquiry was constituted by office order dt. 16-6-93. The concerned workman fully participated in the enquiry and the enquiry officer conducted the enquiry proceeding as under rules and according to the principles of natural justice by giving the delinquent full opportunity to defend himself. The enquiry officer found the concerned workman guilty of the charges levelled against him and submitted a report to that effect to the disciplinary authority. The disciplinary authority in his turn after going through the report and after applying his mind independently to the whole case did not find any mitigating circumstances for which the disciplinary authority passed an order of dismissal from service against the concerned workman as a result of which the concerned workman Jagbali Thakur was dismissed from service with effect from 30-10-93 by an order of that date. When the sponsoring union raised the dispute before the ALC(C), Dhanbad the entire facts were explained before him by the management with requests to close the case so raised by the sponsoring union and the present reference is the out come of such dispute. In

addition to the case made out in the W.S. the management has also submitted parwise comments in the rejoinder in respect of the contents of different paras of the W.S. of the concerned workman but in doing so the management abstained from making any comments in respect of the contents of paras 1, 2, 3, 4, 5, 7, 8, 10, 11, 12 and 15 on the ground that these being terms of reference and matters of record. According to the management so far the contents of para 6 of the W. S. of the workman is concerned those are baseless and false and as such denied. The departmental enquiry was conducted as under the rules and according to the principles of natural justice after giving full opportunity to the delinquent to defend himself for which the delinquent never raised any complaint or objection as against the procedure etc. of the enquiry at any such time or even afterwards. The management has also denied the contents of para 13, 14 and 16 by claiming those baseless and false. In respect of the contents of para-17 of the W.S. of the workman the say of the management is that the concerned workman was rightly dismissed from service and that he is not entitled to any relief whatsoever and on all these grounds the management has prayed for an Award to that effect justifying the action of the management.

4. The concerned workman filed a rejoinder as against the W.S. of the management in which the concerned workman has claimed that the reference is quite maintainable as the same has been made by the appropriate authority after the scrutiny of the dispute raised by the workman. The concerned workman abstained from making any comment in respect of para-2 of the W.S. of the management and in respect of para-3 of the W.S. of the management. The claim of the concerned workman is that the management issued a letter dt. 7/8-5-93 on certain unfounded facts. In respect of the contents of para-4 of the W.S. the claim of the workman are that those not fully correct except that the chargesheet dt. 25/26-5-93 was issued to the concerned workman on certain fictitious ground to which the concerned workman submitted proper explanation. In respect of contents of para-5 of the W.S. the say of the concerned workman is that there was only show of enquiry with pre-determined attitude to cause harm to the workman who was permanent staff. The concerned workman abstained from admitting the contents of para-6 of the W.S. as no copy of the report of the Enquiry proceeding was supplied to him and he was straightway dismissed by the G.M. Moonidih Area, who is in fact an appellate authority for which the workman suffered a material loss as he was deprived to appeal against the Enquiry Officer's finding. The concerned workman also abstained from admitting the correctness of the contents of the para-7 of the W.S. on the ground that the union to which the concerned workman belonged made effort to settle the dispute by mutual negotiation which, however, did not materialise and thereby once again has prayed for granting of the relief as mentioned in the prayer portion of the W.S.

5. The points for decisions is whether the concerned workman is entitled to an order for reinstatement in service with full back wages?

## DECISIONS AND REASONS

6. The parties abstained from adducing any oral evidence in support of their respective cases as made out in the W.S. and in the rejoinder. But the management has produced papers in connection with the domestic enquiry and the formal proof being dispensed with on the side of the concerned workman those were admitted in the evidence and marked as Exts. vide Ext. M-1 to M-14. The parties have submitted written argument in support of their respective cases and in doing so Learned Advocate on the side of the concerned workman has stated almost the same facts as mentioned in the W.S. of the workman and at the same time has submitted that the allegations levelled against the concerned workman is of wilful disobedience of the concerned workman to carry out certain order of superior authority within a specified period amounting to insubordination and misconduct but according to learned advocate as per written argument the copy of the report submitted by the Enquiry Officer should have been furnished to the workman with a view to enable him to explain his stand before the higher authority but the management by not furnishing the copy of the report submitted by the Enquiry Officer has violated the principles of natural justice which was utterly prejudicial to the interest of the concerned workman. Learned Advocate in support of his submission has relied upon a decision of Hon'ble Supreme Court reported in 1991-1-LLJ-29 but without supplying the book and simply on that ground submitted that even in case where the fairness etc. of a domestic enquiry has not been challenged on the side of the workman like that of the present case the concerned workman should have been supplied with a copy of the report submitted by the Enquiry Officer on completion of the domestic enquiry but the same has not been done and the concerned workman having dismissed straightway was deprived of the opportunity to move before the higher appellate authority and thereby explaining the circumstances etc. of his case for which according to the learned Lawyer it is a fit case where relief should be granted to the concerned workman by an order of reinstatement with full back wages and an Award in terms of the prayer of the concerned workman in his W.S. should be passed. On the other hand Learned Advocate on the side of the management also submitted a written argument wherein learned Advocate has tried to submit that where fairness of a domestic enquiry has not been challenged the question of furnishing copy of the enquiry report specially in the instant case of the concerned workman who fully participated in the domestic enquiry against him and who did not raise any complaint as against the procedure etc. adopted in the disciplinary proceeding there was no scope to supply him copy of the report submitted by the Enquiry Officer on conclusion of the domestic enquiry against him. According to Learned Advocate non-supply of such a report in the facts and circumstances of this case cannot be treated to be a good ground for granting relief to the concerned workman as the same cannot be treated as illegal because of the well settled principles of law. Naturally Learned Advocate has prayed for an order by finding to the effect that the concerned workman is not at all entitled to any relief.

7. There is no dispute in the instant reference that a departmental enquiry was started against the concerned workman for his failure to carry out certain order issued by his superior authority and the nature of the order or direction was that to remove certain Khatal treated as unauthorised construction near the quarter allotted to the concerned workman which was not carried out by the concerned workman for which a departmental enquiry committee was constituted and enquiry was held in presence of the concerned workman who fully participated in that enquiry and on the basis of the report submitted by the E.O. the concerned workman was removed from service by the order of dismissal passed against him by an Officer of the management competent to do so. The concerned workman has no doubt tried to submit in his written argument that the order of dismissal was not passed by any competent authority but the learned Advocate on the side of the workman has abstained from making any attempt to substantiate the same that the order of dismissal was not passed by any appropriate authority vet in the instant case in view of the nature of the allegations levelled against the concerned workman mentioned above I am constrained to hold that the dismissal passed against the concerned workman by way of punishment was disproportionate and harsh when the management found certain construction at the place near quarter allotted to the concerned workman to be unauthorised and when in the reply submitted by the concerned workman to that chargesheet by his letter dt. 11-5-1993 existence of the Khatal or cowshed was not denied rather it was admitted by saying that the same was constructed by his own unemployed brother the management could have taken some other steps for removal of that Khatal by taking help from the administration if it was so necessary but without doing so the management for the reasons best known to them treated the inaction of the concerned workman as disobedience for which it constituted a departmental enquiry and after following the procedure of the domestic enquiry finally passed the order of dismissal against the concerned workman which in view of the facts and circumstances of the case cannot be said to be justified. I therefore, hold that it is a fit case where an order directing the management to reinstate the concerned workman in service should be passed. But since the concerned workman in his explanation to the chargesheet has cleverly made an attempt to shift the responsibility of the construction of the Khatal/cowshed upon his younger unemployed brother with whom he tactfully claimed having no relationship either in feeding or lodging or otherwise it seems to be that he should not be allowed in such circumstances to draw back wages. But at the same time he will not be deprived of seniority, continuity of service for the purpose of annual increment promotion, gratuity etc. and I direct the management to reinstate the concerned workman in service within 30 days from the date of publication of this Award in the Gazette of India under such terms and conditions.

This is my award.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1998

का. 2526.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14), की धारा 17 के अनुसूचन में, केन्द्रीय सरकार में. ओ. एन. जी. सी. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-98 को प्राप्त हुआ था।

[सं. एल-30012/14/93-आई. ग्रा. (सी. I)]

स्वामि सुंदर गुप्त, डेस्क अधिकारी

New Delhi, the 11th November, 1998

S.O. 2526.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. and their workman, which was received by the Central Government on 11-11-98.

[No. L-30012/14/93-IR(C-I)]

S. S. GUPTA, Desk Officer

### ANNEXURE

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 1 of 1994

### PARTIES:

Employers in relation to the management of ONGC

AND:

Their workman

### PRESENT:

Mr. Justice A. K. Chakravarty, Presiding Officer.

### APPEARANCE:

On behalf of Management.—Mr. A. K. Poddar, Additional Chief Legal Adviser.

On behalf of Workmen.—Mr. S. K. Das, General Secretary of the Union.

STATE : West Bengal INDUSTRY : ONGC

### AWARD

By Order No. L-30012/14/93 dated 14-12-1993 and Corrigendum No. L-30012/14/93-IR(C-I) dated 15th June, 1998 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of O.N.G.C. to engage Shri Sambhu Mondal a Sweeping and cleaning worker as contractor and engagement of other sweeping and cleaning workers (as per list attached) under

M/s. Mondal Enterprises in the establishment is justified or not? If not, to what relief these workman are entitled?"

#### LIST OF SWEEPING & CLEANING WORKMEN

1. Shri Raju Haldar
2. Shri Gopal Hela
3. Shri Indra Das
4. Shri Bistu Mondal
5. Shri Anu Das
6. Smt. Raj Kumari
7. Shri Prabir Mondal
8. Shri Umesh Balmiki
9. Shri Bapi Dey

2. Instant reference has arisen at the instance of ONGC Employees Association (union in short) challenging the mode of engagement of the concerned workmen by the O.N.G.C. (management).

3. The union's case, in short, is that Sambhu Mondal and other concerned workman were carrying cleaning and sweeping work in the establishment of the O.N.G.C. at Chowringhee Road, Calcutta along with regular workmen Balaran Jana and others. Some of them were working as Sweepers and Cleaners in the O.N.G.C.'s establishment at CIT Road, Calcutta. It is alleged that the concerned workmen were working continuously in the establishment of the management since 1st February, 1990 up till now. They are to work six days in a week continuously in order to keep its office in neat, clean and healthy condition. It is also the union's case that taking advantage of the economic debility of the concerned workmen one of them namely Sambhu Mondal was directed to represent himself as a contractor for himself and on behalf of others and forced them to make agreement one after another with the O.N.G.C. till 7-3-1994. It is alleged that the management was engaged in unfair labour practice for forcing the workmen to execute the agreements. It is also alleged that the Enforcement Officer under the Regional Labour Commissioner (Central), Government of India had to inspect the office of the management and found that the jobs done by the so-called contractor's men being cleaning and sweeping which was of prohibited category under the provisions of Contract Labour (Regulation and Abolition) Act, 1970 and the rules framed thereunder prosecuted the management and Sambhu Mondal and the latter was fined Rs. 100 by the Metropolitan Magistrate, Calcutta. The Deputy Secretary to the Government of India and the Secretary to the Central Advisory Committee Labour Board issued notification to all members of the Central Authority Labour Board stating that the jobs of sweeping and cleaning is not under the prohibited category under Contract Labour (Regulation and Abolition) Act, 1970. The union alleges that subsequently the said Deputy Secretary stated that though the jobs of the workman were no more treated to be in prohibitory category, but the workmen carrying the said jobs are to be ensured that they get same benefit facilities as were made available to the regular employees doing same or similar jobs. The union alleges that the aforesaid notification was not applicable in

the cases of the concerned workmen as they are to be supposed as regularised workmen. The union accordingly claims their entitlement to get similar benefits as regularly appointed a workman. The management having refused to give any relief to the concerned workman, the union raised the industrial dispute which culminated in the present reference. The union accordingly claims that the concerned workmen are entitled to get the wages and benefits of regular workmen since 1-2-1990.

4. The management of the O.N.G.C. filed a written statement challenging the maintainability of the reference on the ground that there is no relationship of employer and employee between the O.N.G.C. and the concerned workmen. It is alleged that in pursuance of the recommendation of the Central Advisory Labour Board, it was decided not to prohibit employment of contract labour in the sweeping, cleaning, dusting and matching of buildings owned and occupied by the management for which the appropriate government is the Central Govt. It is also alleged that the management engaged M/s. Mondal Enterprises whose proprietor was Sambhu Mondal as the contractor and other workman are the workmen engaged by the said Mondal Enterprises. The management denied that it had ever engaged Sambhu Mondal and other workmen for doing sweeping and cleaning job. The job of upkeeping and maintenance of the office was entrusted to Mondal Enterprises as contractor and payment is made as service charges as per terms and conditions of the agreement for their service rendered under the agreement. The management accordingly prayed for dismissal of the case of the union on the ground that there was no employer-employee relationship between the management and the concerned workmen.

5. In its rejoinder, the union has alleged that the industrial dispute was raised properly and that both Shri Sambhu Mondal and the concerned workmen, as sweepers were doing the jobs of a perennial nature and their services were essential for running the office properly.

6. Even though the management has filed written statement, still then, during the letter state of the proceeding, the management lost its interest. The Tribunal granted several adjournments to the management to contest the case, but the management preferred not to appear thereby forcing the Tribunal to dispose of the case on the basis of *ex parte* evidence adduced on behalf of the union.

7. The representative of the union submitted that the so called contract entered between Sambhu Mondal as proprietor of Mondal Enterprises with the management was a sham transaction and also that the management entered into this contract illegally as such contracts fall within the prohibitory category under the contract Labour (Regulation and Abolition) Act, 1970.

8. The law as laid down in the case of *Hussain Bhai v. Alath Factory Thezhilali Union*, reported in (1978) 4 Supreme Court Cases 257 is that the Court can lift the veil to find out the real nature of such transaction. It appears from the union's case that Sambhu Mondal was compelled by the management

to form a fictitious firm for enlisting his name as well as the names of other concerned workmen as labourers of the said firm. Apart from the exparte evidence on the point, it will appear from the conduct of the management that the contract was merely a sham transaction. The registration of the establishment has not been proved by the management for engagement of the contract labourers. The licencing of the contractor was also not made under section 12 of the said Act. The short duration of the period of contract alongwith its extension year after year suggest not only proves the perennial nature of the job but also the real nature of such transaction. The alleged contract with the proprietor of the firm who also work as a sweeper of the establishment alongwith the factors indicated above are sufficient to remove the veil that the management was the real employer of the concerned workmen and the contracts were merely camouflages.

9. It was also submitted that the appointment of contract labour was prohibited in so far as it relates to sweeping dusting and watching of the buildings owned or occupied by the establishment in respect of which the appropriate government under the Act is the Central Government. For this purpose reference was made to the case of Air India Statutory Corporation etc. v. United Labour Union & Ors., reported in 1997(1) CLR 292. It was held in this case that the Central Government being the appropriate government of the Air India Statutory Corporation, the notification issued by the Central Government on 9-2-1976 prohibiting employment of contract Labour on and from 9-2-1976 for sweeping, dusting and watching of buildings owned or occupied by the establishments in respect of which the appropriate government is the Central Government is valid in law. It was further held that the works being perennial in nature satisfied all the tests engrafted under section 10(2) of the said Act. It was also held that the Central Government having already abolished the contract labour, it was denuded of its power under section 10(1) to appoint any other committee to go once over on the self-same question and the recommendation of the said committee not to abolish the said contract system and acceptance thereof by the Central Government are without any legal basis and therefore nonest.

10. The buildings where the concerned workmen worked being owned or occupied by the O.N.G.C. and the consistent engagement of the concerned workmen as sweepers for long time and the Central Government having abolished contract labour system once in the aforesaid services the concerned workmen became direct employees under the management. The subsequent advise of the Advisory Board for continuation of central labour system in these services was not liable to be accepted by the Central Government as it had no power to reopen the issue.

11. Since there cannot be any contractor after the abolition of the contract labour system, the relationship between the management of ONGC and the concerned workmen, who had been admittedly working in its establishment, will automatically be of master and servant from the date of their engagement because there cannot be any existence of any intermediary as contractor after abolition of the contract labour system in the above services.

12. In the aforesaid view of the matter, the concerned workmen must be deemed to be in service under the management of ONGC from the date of their engagement with effect from 1-2-1990 as regular workman. The management accordingly directed to pay the concerned workmen all the benefits from the said date as available to the regular workmen of the O.N.G.C.

This is my Award.

Dated, Calcutta,

The 28th October, 1998

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 12 नवम्बर, 1998

का.श्रा. 2527.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी. सी. सी. एल. के प्रबन्धतंत्र के संबद्ध नियो-जकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-2), धनबाद के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-98 को प्राप्त हुआ था।

[सं. एल-20012/33/92-आई.आर. (सी -I)]

श्याम सुंदर गुप्ता, डेस्क अधिकारी

New Delhi, the 12th November, 1998

S.O. 2527.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 12-11-98.

[No. L-20012/33/92-IR(C-I)]

S. S. GUPTA, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD  
PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 141 OF 1993

PARTIES :

Employers in relation to the management of Sijua Area of M/s. B.C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar

INDUSTRY : Coal

ANNEXURE

Dated, Dhanbad, the 2nd November, 1998.

## AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/33/92-I.R. (Coal-I), dated, the 2nd September, 1993.

## SCHEDULE

"Whether the action of the management of Sijua Area of M/s. BCCL in denying promotion from Clerk Gr. I to Spl. grade Clerk to S/ Shri Sidh Bahadur Rai, P. N. Sen, B. B. Singh, N. N. Singh, S. P. Roy, Kamate Singh, Bijoy Prasad and Ganouri Prasad ignoring their seniority over Shri Balmukund Singh and others is justified? If not, to what relief these aforesaid 8 workmen are entitled?"

2. Soon after the receipt of the order reference notices were duly served upon the parties. But neither of the parties turned up nor took any steps. The case then proceeded along its course. Then again notices were served upon them. But inspite of the service of notice upon them they abstained from appearing from before this Tribunal. In the circumstances, I have no other alternative but to pass a 'No dispute' Award presuming that there is no industrial dispute existing between the parties in the instant reference.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 12 नवम्बर, 1998.

का.अ. 2528.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. सी. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-2) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-98 को प्राप्त हुआ था।

[सं. एल-20012/122/93-आई.आर. (सी-1)]

श्याम सुंदर गुप्ता, डेस्क अधिकारी

New Delhi, the 12th November, 1998.

S.O. 2528.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No.-2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. C.C.L. and their workman, which was received by the Central Government on 12-11-98.

[No. L-20012/122/93-IR.(C-I)]

S. S. GUPTA, Desk Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) and sub-section 2(k) of the I.D. Act, 1947.

REFERENCE NO. 156 OF 1993

## PARTIES :

Employers in relation to the management of K.D.H. Colliery of M/s. C.C.L. and their workmen.

## APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 2nd November, 1998

## AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/(122)/93-I.R. (Coal-I), dated, the 8th September, 1993.

## SCHEDULE

"Whether the action of the management of K.D.H. Project of M/s. Central Coalfields Ltd. (NK) Dakra in dismissing the services of Smt. Ahilya Baratia vide their Order dated 4-9-92 is justified? If not, to what relief the workman is entitled?"

2. Soon after the receipt of the order of reference notices were issued to the parties. But none of the parties turned up nor took any steps. Therefore several adjournment were granted and again notices were served upon them. But inspite of the issuance of notices to them they abstained from appearing before this Tribunal. In the circumstances, this Tribunal has been left with no other alternative but to pass a 'No dispute' Award presuming that presently there is no dispute existing between the parties.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 12 नवम्बर, 1998

का.अ. 2529.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी. सी. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-98 को प्राप्त हुआ था।

[सं. एल-20012/109/91-आई.आर. (सी-1)]

श्याम सुंदर गुप्ता, डेस्क अधिकारी

New Delhi, the 12th November, 1998

S.O. 2529.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No.-2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 12-11-1998.

[No. L-20012/199/91-IR(C-I)]

S. S. GUPTA, Desk Officer  
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD  
PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) and sub-section 2(k) of the I.D. Act, 1947.

REFERENCE NO. 8 OF 1992

PARTIES :

Employers in relation to the management of B.C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar INDUSTRY : Coal

Dated, Dhanbad, the 2nd November, 1998

#### AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(199)/91-I.R. (Coal-I), dated the Nil.

#### SCHEDULE

"Whether the management of Bhrungia Project in Mohuda Area No. 2 of M/s. B.C.C.L. is justified in reducing the basic wages of Shri Bihari Gope, Onsetter in Category IV from Rs. 54.06 P. per day to Rs. 57.74 per day with effect from March, 1991? If not, to what relief the said workman is entitled?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But neither of the parties turned up nor took any steps. Then again and again notices were issued to them But in spite of the issuance of the notices to them they neither appeared nor took any steps. It therefore leads me to an inference that presently there is no dispute existing between the parties. In the circumstances, I have no other alternative but to pass a 'No dispute' Award in this case.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 12 नवम्बर, 1998

क्र.सं० 2530.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में केन्द्रीय सरकार में बी० सी० सी० सी० एल० के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-1998 को प्राप्त हुआ था।

[सं. एल-20012/325/92-आई.आर. (सी-1)]

श्याम सुंदर गुप्ता, डेस्क अधिकारी

New Delhi, the 12th November, 1998

S. O. 2530.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 2) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 12-11-1998.

[No. L-20012/325/92-IR (C-I)]

S. S. GUPTA, Desk Officer.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2) AT  
DHANBAD.

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 104 OF 1993

PARTIES :

Employers in relation to the management of Dhori Colliery of M/s. C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar INDUSTRY : Coal.

Dated, Dhanbad, the 2nd November, 1998.

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/(325)/92-I.R. (Coal-I), dated, the 5th July, 1993.



## SCHEDULE

"Whether the dismissal of Shri Dokara B.P. a P.R.W. of Dhori Colliery of CCL by the management of Dhori Colliery is justified? If not, to what relief the workman is entitled?"

2. In this reference none of the parties appeared before this Tribunal nor took any steps inspite of the issuance of notices to them. The case then proceeded along its course. Then again and again notices were served upon them. But inspite of the services of notices they abstained from appearing before this Tribunal. In the circumstances, this Tribunal has been left with no other alternative but to pass a 'No dispute' Award on the presumption that there is no dispute existing between the parties presently.

B. B. CHATTERJEE, Presiding Officer.

नई दिल्ली, 10 नवम्बर, 1998

का.आ. 2531.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अजमेर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-1998 को प्राप्त हुआ था।

[सं. एल-17012/4/96-आई.आर. (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 10th November, 1998

S. O. 2531.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ajmer as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 2-11-1998.

[No. L-17012/4/96-IR (B-II)]

C. GANGADHARAN, Desk Officer.

अनुबंध

न्यायालय श्रम न्यायाधीश एवं औद्योगिक न्यायाधिकरण  
अजमेर

पीठस्थित अधिकारी : श्री नानगराम एस.आर.एच.एस

Ref. No. 17012/4/96 II/R.B.-II 27-5-1/998

सी.एल.डी.आर. 1/97

श्री दिनेश वशिष्ठ पुत्र श्री देवी प्रसाद निवासी गोविंद राम बाती  
देवी का मंदिर रामगंज रोड, अजमेर

—प्रार्थी

बनाम

जीबीजनल मैनेजर, भारतीय जीवन बीमा निगम, रानाचे मार्ग,  
मंडल कार्यालय, अजमेर —अप्रार्थी

प्रार्थी की ओर से सुश्री द्रौपदी भंबानी।

अप्रार्थी की ओर से श्री अशोक माथूर

दिनांक 25-9-1998

अवार्ड

केन्द्रीय सरकार द्वारा औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1) के अन्तर्गत निम्न विवाद निर्णय हेतु इस न्यायालय को प्रेषित किया गया :—

"Whether the action of the management of LIC of India in terminating the services of Shri Dinesh Vashist w.e.f. 10-1-95 is legal and justified? If not, to what relief the said workman is entitled?"

प्रार्थी ने अपने स्टेटमेंट आफ क्लेम प्रस्तुत किया, जिसके अनुसार प्रार्थी ने 11-5-94 से 10-1-95 तक विपक्षी के अधीन कार्य किया। प्रार्थी ने विपक्षी के अधीन किस-किस दिनों में कार्य किया है, इसका विवरण भी अपने क्लेम में अंकित किया है। प्रार्थी ने 240 दिन से अधिक विपक्षी के अधीन बाउंडरमैन के बतौर कार्य किया है। विपक्षी द्वारा बिना नोटिस दिये, बिना सुनवाई बिये, मुआवजा राशि बिधे बिना ही प्रार्थी को कार्य मुक्त किया जाना न्याय के नैतिक सिद्धांतों के विपरीत है जो औद्योगिक विवाद अधिनियम की धारा 25 एफ एवं 23 एच का उल्लंघन है। प्रार्थी ने चतुर्थ श्रेणी कर्मचारी के नियमित पद पर पद स्थापन किया जाना व समस्त परिणाम दिलाये जाने की प्रार्थना की है।

विपक्षी की ओर से उत्तर प्रस्तुत किया गया है, जिसमें इस तथ्य से इन्कार किया गया है कि प्रार्थी ने 11-5-94 से 10-1-95 तक लगातार कार्य किया हो, नत्कि प्रार्थी ने अगस्त 94 में बारह दिन तक सितम्बर 94 में 27 दिन ही कार्य किया है, जिसका वेतन अस्थाई कार्य की शर्तों के अनुसार प्रार्थी को अदा कर दिया गया है। प्रार्थी ने 240 दिन तक कार्य नहीं किया है तथा प्रार्थी की सेवायें पूर्ण रूप से अस्थाई थीं इसलिए औद्योगिक विवाद अधिनियम के प्रावधानों का उल्लंघन नहीं हुआ है।

प्रार्थी की ओर से कोई साक्ष्य प्रस्तुत नहीं की गयी है। अप्रार्थी की ओर से कोई साक्ष्य प्रस्तुत नहीं की गयी है।

वहस सुनी गयी, पत्रावली का अवलोकन किया गया।

प्रार्थी ने अपने क्लेम के समर्थन में कोई साक्ष्य प्रस्तुत नहीं की है। यहां तक कि अपना स्वयं का बयान भी न्यायालय में नहीं कराया है। ऐसा प्रतीत होता है कि प्रार्थी प्रकरण में रुचि नहीं रखता है व पक्षकारान के मध्य कोई विवाद बाकी नहीं रहता है। अतः यह रेकॉर्ड "कोई विवाद नहीं" के आधार पर निर्णित किया जाना है।



अवार्ड आखिरी दि. 25-8-98 को लिखाया जाकर खुले न्यायालय में सुनाया गया। अवार्ड को प्रति नियमानुसार वारंटे प्रकाशनार्थ प्रेषित की जावे।

नानगराम शर्मा, न्यायाधीश

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2532.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेणन। इन्स्युनेस कंपनी लिमिटेड के प्रबन्धतंत्र के संबद्ध नियोज्जों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण-I, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-98 को प्राप्त हुआ था।

[सं. एल-17012/44/95-आईआर. (बी.-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 11th November, 1998

S. O. 2532.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-I, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Insurance Company Limited and their workman, which was received by the Central Government on 10-11-1998.

[No. L-17012/44/95-IR (B-II)]

C. GANGADHARAN, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I  
AT HYDERABAD

PRESENT :

Shri C. V. Raghavaiah. B.Sc., B.L., Industrial Tribunal-I, Hyderabad.

Dated : 20th day of July, 1998.

INDUSTRIAL DISPUTE NO. 8 OF 1997.

BETWEEN :

R. Venkateswarlu, S/o. R. Subba Rao, H. No. 26-34-54, 8th Line, A. T. Agraharam, Guntur. ...Petitioner.

AND

The Regional Manager, National Insurance Company Limited, Regional Office, Mogulscourt, Basheerbagh, Hyderabad.

...Respondent.

This case coming before me for final hearing on 20-7-1998 in the presence of Shri A. Krishnam Raju, Advocate for the Petitioner and M/s. S. Kishore and M. N. Rao, Advocates for the respondent and having stood over to this day for consideration, the Court delivered the following :

3163 GI/98—15

## AWARD :

The Government of India, New Delhi by its Order No. L-17012/44/95-IR (B-II), dated 10-2-1997 made a reference to the Tribunal U/s. 10(1)(d) and Section 2(A) of the I. D. Act, 1947 for adjudication of Industrial Dispute mentioned in the schedule which reads as follows :

"Whether the action of the management of Regional Office, National Insurance Corporation Limited, Hyderabad in dismissing the services of Shri R. Venkateswarlu, Ex-Sub-Staff Branch Officer-2, National Insurance Company Limited, Guntur is legal and justified? If not, to what relief is the said workman entitled?"

2. After receipt of the above said reference, this Tribunal had issued notices to both the parties. Both the parties appeared and filed their pleadings.

3. The concerned workman himself filed a claim statement contending that he was originally appointed as sub-staff in the respondent company on 24-2-1986 and posted at Guntur Branch-II. He was discharging his duties to the satisfaction of his superiors, and worked upto 15-5-1991, on which date he was removed from the service. The respondent issued proceedings on 30-5-1989 that the petitioner unauthorisedly absented from duty without permission. The Branch Manager issued a show cause notice on 21-2-1990 advising him to submit an explanation. The petitioner submitted an explanation. He further contended that he could not attend to duties during his absence as he fell sick. An enquiry was conducted in a mechanical manner. On the basis of enquiry report, the management removed him from service vide proceedings dated 15-5-1991. When an appeal was filed by him, it was rejected on 6-2-1996. The petitioner is aged 33 years. He has no possibility of securing any alternative job. Hence, the report given by the enquiry officer is partial. The workman prayed for his reinstatement into service.

4. The counsel for the respondent filed a detailed counter admitting the petitioner appointed on 24-2-1986. He is in habit of irregularity in attending duties without prior permission. The details of absence are shown in the counter. Ultimately the petitioner was dismissed for his irregular attendance. Hence it prayed for rejecting the reference.

5. After filing their respective pleadings, both the parties did not prosecute the matter, though the matter, was being adjourned from time to time. Hence the I. D. is closed on 3-12-1997.

6. The petitioner rushed to this Tribunal along with an I. A. 5/98 to set aside the order dated 3-12-1997 and to restore the I. D. In the interest of justice, the said I. A. was allowed on 16-2-1998 and the main I. D. was restored to file. Though on few occasions the petitioner was present but was not ready to prosecute the matter. On 9-7-1998, when the matter was called both the petitioner and counsel were absent and no representation was made on their behalf. This Tribunal has given a chance

again to the petitioner and on payment of cost the matter was posted to 20-7-1998, for prosecuting the matter. But on that day also there was no representation.

7. Thus a perusal of the docket sheet from 18-3-1997 to 20-7-1998, it is clear that the petitioner and his counsel are not evincing any interest either to adduce evidence or to prosecute the matter. Hence, I feel that there is no option except to close the reference. The reference is closed accordingly. Given under my hand and the seal of this Tribunal on this the 20th July, 1998.

C. V. RAGHAVIAH, Industrial Tribunal-I.

No oral or documentary evidence is adduced on either side.

नई दिल्ली, 11 नवम्बर, 1998

का.प्र. 2533—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार के औद्योगिक निर्माण विभाग, नई दिल्ली के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-98 को प्राप्त हुआ था।

[सं.एल.-42012/159/91-आई.आर. (ई.यू.)]

के.वी.बी. उन्नी, अवसर सचिव

New Delhi, the 11th November, 1998

S.O. 2533.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of C.P.W.D. New Delhi and their workman, which was received by the Central Government on the 11-11-98.

[No. L-42012/159/91-IR(DU)]

K.V.B. UNNY, Under Secy.

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No 66/92

In the matter of dispute between :

Shri Sajjan Kumar S/o Shri Manohar Lal,  
through N.S. Chauhan, C-125, Gali No. 11, Khajuri  
Khas, Shahdara, Delhi-110032.

Versus

Executive Engineer,  
Nirman Vibhag 11,  
I.P. Bhawan, New Delhi-110001.

#### APPEARANCES :

Shri Sajjan Kumar in person.

Shri Anil Sehgal for the Management.

#### AWARD

The Central Government in the Ministry of Labour vide its order No. L-42012/159 91-IR(D.U.) dated 20-7-92 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of CPWD New Delhi in terminating the services of Shri Sajjan Kumar w.e.f. March, 1991 is justified ? If not, what relief he is entitled to ?"

2. Sajjan Kumar workman in his statement of claim has alleged that he joined the employment of the CPWD in the year 1989. He performed his duties to the entire satisfaction of CPWD. The Management was indulging in unlawful labour practice. He completed 240 days without any break with the CPWD but was not allowed to work after 3-4-91 after making payment to him on 2-4-91. It has been further alleged that the claimant was a workman but the management alleges himself to be a contractor. He had been performing his duties as a workman continuously and regularly on fixed salary. His termination was illegal and unjust and he was entitled to be reinstated with full back wages and other benefits.

3. The Management in its written statement alleged that there was no relationship of master and servant between the claimant and the CPWD and he was never appointed by the Management but was given work on contract basis. He was supposed to maintain the repair in Government Residential Quarters after executing short term agreement on prescribed form 11-A from 5-12-89 and these contracts continued to be given to him upto 31-3-91. The work order closed on 31-3-91 as the maintenance of this area was taken over by a Regular Maintenance Division. He was not performing duties in any capacity as a workman of the Management but worked as an individual contractor after executing required documents for which he was paid per monthly basis. He was not entitled to any reinstatement as he was not employee of the management.

4. The Management examined Shri G. S. Likhari MWI while the workman himself appeared as WWI, in support of his case.

5. I have heard the representatives for the parties and have gone through the record.

6. The only point for determination in this case was as to whether one Sajjan Kumar was appointed by the Management as a Mason or he was contractor of the Management. There are few admitted facts. The most important of them being that he was paid a fixed salary of Rs. 1050/- P.M. and the payment used to be made to him monthly. The Management states that he was engaged as a contractor and was being paid this amount in lieu of his taking care of the entire maintenance work of Govt. Quarters during the month and his working time was from 9 A.M. to 5 P.M. In support of this management has produced some documents also. They have also alleged that the unit per measurement used to be one day and not the exact work done by him.

7. The workman on the other hand has alleged that he was being paid Rs. 1050/- as fixed monthly salary and he had continuously worked for more than 300 days with the Management.

8. It is not disputed that the claimant was looking after maintenance of government quarters from 9 AM to 5 PM in respect of complaints received from the occupants. The claimants in this case has though denied his signature on the document of contract issued to him by the management but the question as to whether these documents really make him a contractor or not ? In my opinion the management in this case has not come with clean hands. The claimant used

to get regular fixed salary but in case of a contract there is no regular fixed salary and payment only on the basis of work done is paid to a contractor normally. The work is advertised either in Newspaper or in case of petty work it is notified on the notice board of the department concerned. No such notice has been proved to have been pasted by the management on this notice board calling for persons eligible to perform the duties entrusted to the present claimant. No selection from amongst any other eligible persons was conducted by the management. The daily wages of this claimant on the basis of Rs. 1050 PM comes to Rs. 35 per day. If day was the Unit for calculation of his work then his contractual amount cannot be always be Rs. 1059 PM because all months in a calendar year are not of 30 days. In that situation he would either get less than Rs. 1050 in more than this when the month is of 31 days and not 30 days. This part of the management contention regarding his fixed salary to be treated as the amount cannot be accepted. Moreover, a contractor is not paid monthly but is paid only on the completion of the work or some advance is paid to him on the basis of the work done by him. In this case no payment was made to him except at the end of every month and that too a fixed amount Rs. 1050. The claimant never made his own bill regarding the payment and it was the management who used to prepare the bill every month as admitted by Shri G. S. Lekhari, Executive Engineer MW 1. in his cross-examination. The work of a contractor is always supervised and is certified by the senior person regularly but in this case the Executive Engineer has admitted that no record was maintained in respect of the work supervised by the claimant daily. He has also admitted after seeing the attendance roll that the attendance of the claimant was marked regularly in the printed attendance sheet with the heading as attendance roll. It is admitted by the management that the claimant worked for 392 days and payment was made to him on the basis of the days he worked. A statement showing month wise payments made to the claimant has been prepared and duly signed by the Executive Engineer which shows that he was engaged on 5-12-89 to 31-12-89 for the first month and was paid Rs. 915. Thereafter on January, 90 upto March, 91 he was continuously paid a sum of Rs. 1050 PM. This cannot be the amount of payment or the mode of payment to a contractor from this most important aspect it can be easily concluded that the claimant was engaged by the management and false agreement was prepared in order to avoid the complication which the claimant could raise for getting his employment regularised. This practice of making continuously working staff and turning them into contractual jobs is against the spirit of fair labour practices. The cross-examination of Shri G. S. Lekhari on many aspects only smells that the management was not coming with clean hands and the claimant had been engaged on monthly basis by the management as a continuous employee who worked with them for 392 days without any contract and as such was entitled to the protection available to him under the I.D. Act. He could not be terminated without observing the formalities required under the Act. I am, therefore, of the opinion that the claimant was entitled to be reinstated with the management. The claimant, however, in my opinion was not entitled to back wages because it cannot be accepted that a mason could remain idle continuously for such a long period without any job or work. However, for the illegal act of the management I burden the management with Rs. 5000 lump sum as costs of this dispute for which the management is responsible. The workman shall be reinstated by the management in their regular cadre immediately. 6th November, 1998.

GANPATI SHARMA, Presiding Officer.

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2534.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खादी एण्ड विल्ज इण्डस्ट्रीज कमीशन, लखनऊ के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में विद्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण, कानपुर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-98 को प्राप्त हुआ था।

[सं एल-42012/8/97-आई. आर. (डी. यू.)]  
के .बी.बी. उन्नी, अवसर सचिव

New Delhi, the 11th November, 1998

S.O. 2534.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Khadi and Village Industries Commission, Lucknow and their workman, which was received by the Central Government on the 11-11-98.

[No. L-42012/8/97-IR(DU)]

K.V.B. UNNY, Under Secy.

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 218 of 1997

In the matter of dispute between

Narendra Singh S/o Ved Singh resident  
C/o Sri Anand Prakash Sharma MIG/C-1340

Indra Nagar Lucknow-16.

AND

The Director (State Office)  
K.V.I.C. India Place,  
Indiranagar Lucknow

#### APPEARANCE

Shri A. K. Gupta for the workman.

Shri S. K. Srivastava for the Management.

#### AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-42012/8/97-IR(DU) dated 27-10-97 has referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management of Khadi Village Industries Commission, Lucknow to terminate the services of Shri Narendra Singh workman w.e.f. 3-6-1995 is justified? If not, he is entitled to what relief?"

2. There is no dispute that the concerned workman Narendra Singh was working with the opposite party KVIC from 17-8-1993. He was removed from service w.e.f. 3-6-95. On representation he has again been taken in service from 24-4-97.

3. In the claim statement the concerned workman has given the above details but has not given the grounds on the basis of which termination order dated 3-6-1995 is alleged bad in law.

4. The opposite party has filed reply in which the facts as given in the claim statement has not been disputed.

5. In the rejoinder nothing new has been alleged.

6. The concerned workman Narendra Singh has examined himself. It is well known law that termination of workman is bad if it is done in breach of provision of Section 25F, 25G and 25H I.D. Act, or is based on defective enquiry report. None of these grounds have been discussed in the claim statement.

ment. Even in the evidence the concerned workman has not said anything in this regard. Thus virtually it is a case of no evidence.

7. Hence my award is that termination of concerned workman is not bad and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2535.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार खादी एंड विलेज इंडस्ट्रीज कमीशन लखनऊ के प्रबंधक के संबद्ध निवाजको और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कानपुर के पंचाट का प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-98 को प्राप्त हुआ था।

[सं. एल-42012/7/97-आई आर (डीयू)]

के. बी. बी. उण्णी, अव्वर सचिव

New Delhi, the 11th November, 1998

S.O. 2535.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Khadi & Village Industries Commission, Lucknow and their workman, which was received by the Central Government on the 11-11-97.

[No. I-42012/7/97-IR(DU)]

K. V. B. UNNY, Under Secy.

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 7/98

In the matter of dispute between :

Vijay Kumar Gupta S/o Sh. Bhagwati Prasad Gupta, R/o 274-Ka, Opp. Rajkiya T.B. Clinic, Rajendranagar, Lucknow.

AND

Director (State Office) K.V.I.C.

Indira Place

Indiranagar, Lucknow.

#### APPEARANCE :

Shri A. K. Gupta for the workman.

Shri S. K. Srivastava for the Management.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. I-42012/7/97-IR(DU) dated 1-1-98 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Khadi Village Industries Commission Lucknow to terminate the services of Vijay Kumar Gupta workman w.e.f. 3-6-95 is justified ? If not he is entitled to what relief ?"

2. There is no dispute that the concerned workman Vijay Kumar Gupta was working with the opposite party KVIC from 16-8-93. He was removed from service w.e.f. 3-6-95. On representation he has again been taken in service from 24-4-97.

3. In the claim statement the concerned workman has given the above details but has not given the ground on the basis of which termination order dated 3-6-95 is alleged bad in law.

4. The opposite party has filed reply in which the facts as given in the claim statement has not been disputed.

5. In the rejoinder nothing new has been alleged.

6. The concerned workman Vijay Kumar Gupta has examined himself. It is well known law that termination of workman is bad if it is done in breach of provision of Section 25F, 25G and 25H I.D. Act, or is based on defective enquiry report. None of these grounds have been disclosed in the claim statement. Even in the evidence the concerned workman has not said anything in this regard. Thus, virtually it is a case of no evidence.

7. Hence my award is that termination of concerned workman is not bad and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2536.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खादी एंड विलेज इंडस्ट्रीज कमीशन लखनऊ के प्रबंधक के संबद्ध निवाजको और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कानपुर के पंचाट का प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-98 को प्राप्त हुआ था।

[सं. एल-42012/6/97-आई आर (डीयू)]

के. बी. बी. उण्णी, अव्वर सचिव

New Delhi, the 11th November, 1998

S.O. 2536.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Khadi & Village Industries Commission, Lucknow and their workman, which was received by the Central Government on the 11-11-98.

[No. I-42012/6/97-IR(DU)]

K.V.B. UNNY, Under Secy.

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 236 of 1997

In the matter of dispute between :

Shekar Vaish S/o Ram Krishna Vaish  
R/o Qr. No. 3, Napier Road,  
Colony II Thakurganj  
Lucknow

AND

Director (State Office)

KVIC Indira Place

Indiranagar, Lucknow.

#### APPEARANCE :

Shri A. K. Gupta for the workman.

Shri S. K. Srivastava for the Management.

## AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-42012/5/97-IR(DU) dated 12-12-97 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Khadi and Village Industries Commission Lucknow is justified to orally terminate the services of Shri Shekhar Vaish, workman w.e.f. 3-6-97. If not he is entitled to what relief ?"

2. There is no dispute that the concerned workman shekhar Vaish was working with the opposite party KVIC from 17-8-93. He was removed from service w.e.f. 3-6-95. On representation he has again been taken in service from 24-4-97.

3. In the claim statement the concerned workman has given the above details but has not given the grounds on the basis of which termination order dated 3-6-95 is alleged bad in law.

4. The opposite party has filed reply in which the facts as given in the claim statement has not been disputed.

5. In the rejoinder nothing new has been alleged :

6. The concerned workman Shekhar Vaish has examined himself. It is well known law that termination of workman is bad if it is done in breach of provision of Section 25F, 25G and 25H I.D. Act, or is based on defective enquiry report. None of these grounds have been disclosed in the claim statement. Even in the evidence the concerned workman has not said anything in this regard. Thus virtually it is case of no evidence.

7. Hence my award is that termination of concerned workman is not bad and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1998

का.प्र. 2537.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार खादी एंड विलेज इंडस्ट्रीज कमिशन, लखनऊ के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-98 को प्राप्त हुआ था।

[सं. एल-42012/5/97-आई.आर.(डी.यू.)]

के. वी. बी. उण्णी, अवर सचिव

New Delhi, the 11th November, 1998

S.O. 2537.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Khadi and Village Industries Commission, Lucknow and their workman, which was received by the Central Government on the 11-11-98.

[No. L-42012/5/97-IR(DU)]

K.V.B. UNNY, Under Secy.

## ANNEXURE

BEFORE SHRI B.K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 18 of 1998

In the matter of dispute between :

Anil Kumar Sharma S/o Anand Prakash Sharma  
Resident of MIG C-1340/Indira Nagar  
Lucknow.

AND

Director (State Office)  
KVIC Indira Place  
Indiranagar  
Lucknow.

APPEARANCE :

Shri A. K. Gupta for the workman.

S. K. Srivastava for the Management.

## AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-42012/5/97 IR(DU) dated 1-1-98 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Khadi and Village Industries Commission, Lucknow is justified to orally terminate the services of Shri Anil Kumar Sharma w.e.f. 3-6-95. If not, he is entitled to what relief ?"

2. There is no dispute that the concerned workman Anil Kumar Sharma was working with the opposite party KVIC from 14-11-93. He was removed from service w.e.f. 3-6-95. On representation he has again been taken in service from 24-4-97.

3. In the claim statement the concerned workman has given the above details but has not given the grounds on the basis of which termination order dated 3-6-95 is alleged bad in law.

4. The opposite party has filed reply in which the facts as given in the claim statement has not been disputed.

5. In the rejoinder nothing new has been alleged.

6. The concerned workman Anil Kumar Sharma has examined himself. It is well known law that termination of workman is bad if it is done in breach of provision of Section 25F, 25G and 25H I.D. Act, or is based on defective enquiry report. None of these grounds have been disclosed in the claim statement. Even in the evidence the concerned workman has not said anything in this regard. Thus virtually it is a case of no evidence.

7. Hence my award is that termination of concerned workman is not bad and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1998

का.प्र. 2538.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टेलीकॉम डिस्ट्रिक्ट मैनेजर, कुरनूल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में, निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, नं. 11

हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-98 को प्राप्त हुआ था।

[सं. एल-40012/110/97-आई आर (डीयू)]  
क. वा. बा. उण्णो, अवर सचिव

New Delhi, the 11th November, 1998

S. O. 2538.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, No. II, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Distt. Manager, Kurnool and their workman, which was received by the Central Government on the 11-11-98.

[No. I-40012/110/97-IR(DU)]

K.V.B. UNNY, Under Secy.

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-II,  
HYDERABAD

PRESENT :

Shri. G. Bhoopathi Reddy, B.A., LL.B. Chairman.

Dated : 28th September, 1998

I. D. No. 33 OF 1998.

BETWEEN :

Kum. M. Shobha Rani, H. No. 43-71-E, Nar-singa Rao pet, Kurnool-518 001.

.. Petitioner.

And

The Telecom Dist. Manager, Kurnool District,  
Kurnool-518001. ..Respondent.

APPEARANCES :

Sri. P. Bhaskar, Advocate for Petitioner.

Sri P. Damodar Reddy, Advocate for Respondent.

#### AWARD

This I.D., was referred by the Ministry of Labour to this Tribunal in pursuance of the letter No. L/4012/110/97 IRDU by the Central Government, U/s. 10(1)(d) of I.D. Act to decide the Dispute whether the action of the management of the District Manager, Kurnool is justified in terminating the services of Kumari Shobha Rani without following procedure of retrenchment? If not to what relief she is entitled?

After this I.D., was referred to this Tribunal Petitioner filed claim statement. The petitioner alleges in the claim statement that she is initially appointed as a casual typist on 4-11-1991 by the

management of the respondent, she worked continuously for more than 240 days in every year till her illegal termination on 2-9-96. She submits that she was entrusted work continuously till the date of termination and work of typist entrusted. She was entrusted work continuously in between some months, receipts were obtained by the respondents from the petitioner in the name of I. Sudha Rani, M. Radha Rani, B. Aruna, M. Aruna. The petitioner herself attended to the said work on the threat of termination. The Respondent resorted to unfair labour practice to deprive the petitioner of her legitimate right to be regularised in the post of typist as a continuous work of 240 days or more in a year entitled for regularisation. The petitioner was asked to submit payment vouchers through Vishnu Xerox and Electronic Type Institute. To avoid legal implications and make it appear as if the work was done in the Type Institute but on perusal of the said receipts obtained in the names of I. Sudha Rani, M. Radha Rani, B. Aruna, M. Aruna reveal that the signatures is that of the petitioner herself and that exposes unfair labour practices resorted to by the respondent. The petitioner further submits that even hand writing of the receipts of Vishnu Xerox and Electronic Type Institute is also that of the petitioner herself. She even signed as a witness on the said receipt. The respondent did not follow the procedure while terminating the petitioner from service. It is submitted as per the instructions of department of Telecommunication it is mandatory on the part of the respondent to issue one month notice of termination or one month wages in lieu of notice. Even on this count the termination of the petitioner is illegal, arbitrary liable to be declared as null and void. The termination order passed by the respondent on 2-9-96 is violation of Section 25 (F) of I. D. Act. The petitioner prayed the termination order may be set aside the petitioner may be reinstated into service with full back wages continuity of service.

Respondent filed a counter alleging that allegations made in the claim statement are false. It is false to say that the Petitioner initially appointed as a casual typist, on 4-11-1991 continued till 2-9-1996. The respondent submits that the petitioner was engaged purely on work basis as a contingent labour in the year 1991, she was paid charges accordingly for the typing work done by her. The petitioner was entrusted typing work during the months of December, 1991, February, 1992 to March, 1992 and May, 1992 to July, 1992, September 1992 to January 1993, March 1993 and July, 1993 to September 1993. The petitioner did not work in January, 1992, April, 1992, August, 1992 February, 1993 and April, 1993 to June, 1993 as there was no work in those months. It is false to say in between for some months receipts were obtained from the petitioner in different names on threat of termination and the respondent resorted to unfair labour practice. Infact the work was entrusted to contractor on contract basis owning a type institute. It is submitted that contingent labour was being employed purely on temporary basis and they were appointed entrusted with typing work. The Petitioner was not recruited either through Employment Exchange or through selection procedure. The petitioner was not issued any order of

employment nor given any assurance that she would be continued. There is no violation of 25 (F) of I.D. Act. The petitioner is not entitled for any relief, the I.D. may be dismissed.

The point for determination arises whether the termination order passed by the respondent, dated 2-9-1996 is violation of Section 25(F). If so what kind of relief the petitioner is entitled?

The petitioner contended that she was appointed as a casual typist on 4-11-1991 continued till 2-9-1996, she worked for more than 240 days in a calendar year, the termination order issued by the respondent is violation of Section 25 (F) of I.D. Act.

The Respondent resisted the plea that the petitioner was engaged purely on work basis as contingent labour, she has not completed 240 days in any years, there is no violation of Section 25 (F) the petitioner is not entitled for any relief. The burden of proof lies on the petitioner.

In support of petitioner claim petitioner herself examined as W. W. 1 filed documents Exs. W-1 to W-4, W. W. 1 M. Shobha Rani deposed that she was appointed on 4-11-1991 as a typist, continued upto 2-9-1996. On 2-9-1996 the respondent terminated her. After termination she gave a complaint to the ACL, Ex. W1 is the complaint, on basis of her complaint the ACL, initiated reconciliation meeting, Ex. W-2 is the minutes of conciliation proceedings dated 15-8-1997. She further deposed that she has maintained Ex. W3, W4 registers with regard to the attending of typing work. The said registers were signed by the Accounts Officer. The petitioner prayed that she may be reinstated into service.

To rebut the petitioner evidence MW1 S. Abdul Sattar, Accounts Officer, of the respondent office examined. Exs. M1 to M18 filed. He deposed that the petitioner was employed as contingent employee on 4-11-1991, she worked upto April, 1994 there was a break in Service. Ex. M1 is the extract of work done by the petitioner maintained by the management. The petitioner has not worked continuously. Ex. M2 & M3 are the copies of bills, issued by the Xerox Electronic Type Institute. The Petitioner has not worked continuously Ex. M4 to M18 are receipts with regard to the work done by the petitioner. The petitioner was not worked continuous service. Ex. W3, Ex. W4 registers maintained by the petitioner are not authenticated registers the petitioner is not entitled for any relief.

Petitioner submit that she was appointed as casual typist on 04-11-1991 by the respondent, she worked continuously 240 days every year till 02-09-1996. The termination order passed by the respondent is violation of section 25F of I.D. Act. The respondent resisted the plea that the petitioner was appointed as contingent employee she is not comes under workman definition. The petitioner was not issued any appointment order, the issuing of the termination order does not arise. In the effect do the petitioner claim the petitioner filed Ex. W1 to W4. In support of the respondent claim Ex. M1 to Ex. M18 filed. The prior to referring of this dispute to this Tribunal the

conciliation proceedings taken place, is an admitted fact. The management representative has taken a plea before the conciliation Officer that the petitioner was engaged casual labour for doing tying work from December 1991 to 1993. She was not continuous service with breaks of service. The plea taken before the conciliation officer itself goes to show that the petitioner was appointed as casual employee.

The submission made by the respondent is not sustainable on the other hand the respondent filed documents Ex. M4 to M18, receipts passed by the petitioner with regard to the receiving of the typing charges from the months of December, 1991 to December, 1992. Wherein also there was a mention that the petitioner designation was mentioned as job typist. The Management has calculated number of days worked and the amounts were paid. Moreover in the conciliation proceedings Ex. W2 the conciliation officer has also discussed on this aspect and the conciliation proceedings failed and the matter was referred to the Government in turn dispute referred to this Tribunal. Apart from this evidence of the WW1 discloses that she was appointed as a typist up to 02-09-1996, in the respondent office, she was continuous service upto termination. On the other hand Ex. W1 is a representation given to the Regional Labour Commissioner, Central, Hyderabad. In that representation also she has mentioned that she was initially appointed as a casual typist under the management of Telecom District Manager, Kurnool, w.e.f. 04-11-1991. There was an annexure to the representation. As per the annexure also discloses that she worked from 04-11-1991 to 02-09-1996. Ex. W3 and W4 are registers maintained by the petitioner, in that registers also the details of the typing work done by her, recorded. The registers from period 1991 to 1996 discloses that she was attended work of the respondent as a casual typist. The petitioner comes under the casual typist, the plea taken by the respondent is not sustainable. On the other hand to substantiate the claim of the respondent on behalf of the respondent MW1 Accounts Officer was Examined. As per his evidence goes to show that the petitioner was taken as contingent employee in the respondent office from 4-11-1991. She was not worked continuously till the termination. The Management has taken a plea before the conciliation proceedings that she was engaged as a casual typist now the evidence led by the petitioner that she was engaged a contingent employee, the plea taken by respondent is not sustainable. The petitioner taken a specific plea from date of appointment 04-11-91 to till 02-09-1996 continuous service. To prove the continuous service of the petitioner concerned Ex. W3, W4 the registers maintained by her filed. Ex. W3 is a register from period 1991 to April 1994. On perusal of the registers discloses that details of the typing work done by date wise particulars are mentioned. The said registers were also verified by the respondent management. The respondent officials also endorsed in Ex. W3 page No. 61, please maintain the diary date wise. Ex. W4 is the register from period from May 1995 to August 1996. As per this registers also goes to show that the petitioner continuously worked the details of the work done by her are mentioned.

The respondent controlled that Ex. W-3, W-4 are not authentic registers. The said registers are maintained by the petitioner which can not be relied. The submission made by the respondent not sustainable on the other hand the MW1 was also confronted with regard to the said registers Ex. W3 and Ex. W4. He also admitted that Ex. W3 Register Page No. 68 onwards. The signatures of section supervisor and accounts officials signed. The said registers also signed by the other officials. He also further clarified that the Ex. W3 and Ex. W4 registers are maintained by the petitioner for the purpose of calculating the amount on the basis of number of pages typed. On the basis of said registers the amount calculated and amount paid to the petitioner.

In support of the respondent claim Ex. M1 is extract of work done by the petitioner and other employees filed. On perusal of the said extract of the work done by petitioner for the year 1992, 1993 photostat copies of the work done by the petitioner. Petitioner was paid for Rs. 30/- per day calculating number of days. He also clarified that the original of Ex. M1 is destroyed but the respondent has not filed even subsequent documents Ex. M2 and Ex. M3 are the photostat copies of the payment towards the typing charges paid to the Vishnu Xerox and Electronic Type Institute. The said receipts can not be taken into consideration to prove the said photostat copy receipts the concern person is not examined. On the other hand the respondent has not chosen file originals. In addition to the respondent filed receipts for the December, 1991 to September, 1993 that is Ex. M4 to Ex. M18. On perusal of the said receipts goes to show that the petitioner was paid amounts from December 1991 onwards by calculating work done by her. The said amount were passed the typing work carried on by the certified by telecom officials and bills were prepared on the basis of the said bills the amounts were paid and receipts were obtain by the petitioner. Along with the receipts and enclosures containing the number of papers typed by the petitioner was also mentioned as per the said receipts goes to show that the petitioner was continuously worked respondent office and the petitioner is worked more than 240 days in every calendar year.

On the other hand the petitioner has specifically taken a plea that the management has manipulated record in order to deny the job. The Management has paid the wages w.e.f. 04-11-1991 to 03-11-1992 on her name and 04-11-1992 to 03-10-1993 different names that is Radha Rani, M. Aruna and Sudha Rani actually the work performed by the petitioner and the payment voucher were signed by the petitioner. The petitioner has also clarified in her evidence in her evidence that 4-11-1993 to 2-9-1996 the bills were obtained from Vishnu Xerox Electronic Type Institute actually the work was carried by the petitioner.

As per the oral evidence besides the documents evidence the petitioner discloses that the petitioner is working as continuous service of the respondent office. The respondent has terminated her service without issuing any notice. As per the Section 25F of the I.D. Act lays down a principle that without issuing notice or notice pay nor paying the retrenchment compensation the termination order is illegal.

In our present case is concerned the petitioner has completed 240 days every year from 1991 onward and the petitioner was terminated from service without complained of Section 25F. The termination of the petitioner from the service order passed by the respondent 02-09-1996 is a violation of section 25F of I.D. Act. The respondent contended that the clerical staff in the respondent office was given training on computers, typing work is not longer required in the office. The submission made by the respondent is not sustainable. The respondent has not led any evidence to substantiate claim. The respondent contended that the petitioner was engaged purely on contingent basis and she was paid charges for typing was done. She did not work in Jan. 92, April 92, August, 92, Feb. 93, April 93 to June 93. She was not continuous service the submission made by the respondent is not sustainable.

On the other hand the petitioner filed documents besides the respondent filed documents which is goes to show that the petitioner worked continuously every year she was completed 240 days in a year even the petitioner also worked in the name of other persons Sudha Rani, Radha Rani, Aruna but the bills worked paid to petitioner, which itself goes to show that the petitioner was also actually worked. The respondent has resorted unfair labour practices, on the petitioner in order to deprive the employment she was terminated from the service. The termination order passed by the respondent is illegal. The Respondent is directed to reinstate the petitioner into service. The service of the petitioner to be treated as continuity of the service. The petitioner is not entitled for wages from the date of termination till the date of Award.

The Award is passed under section 17A of I.D. Act. The Award shall come into force under the section 17-A after one month publication of the Award.

Dictated to Stenographer, transcribed by her, corrected by me given under my hand and seal of this Tribunal on this day of 28th September, 1998.

G. BHOOPATHI REDDY, Chairman

#### APPENDIX OF EVIDENCE NUMBER OF WITNESSES EXAMINED

For Petitioner|Workman :

W.W.1 : Kum. M. Shobha Rani.

For Respondent|Management :

M.W.1 : Sri Abdul Sattar.

#### NUMBER OF DOCUMENTS MARKED

For Petitioner|Workman :

Ex. W1 : 4-10-1996—Complaint given to A.C.L.

Ex. W2 : 15-02-1997—C. C. of Minutes of Conciliation Proceedings.

Ex. W3 : 15-02-1997—Register (1) From Nov. 1991 to 20-4-1994.

Ex. W-4 : 15-2-1997—Register (2) From May 1995 to 21-8-1996.

For Respondent|Management :

Ex. M1 : 92-93—X. C. of Extract 92-93.

Ex. M2 : 1-7-96—X. C. of Bill for Rs. 800.

Ex. M-3 : 1-7-1996—X. C. of Bill for Rs. 880.



Ex. M-4 : 3-1-1992—Receipt.  
 Ex. M5 : 5-3-1992—Receipt.  
 Ex. M6 : 8-4-1992—Receipt.  
 Ex. M7 : 2-6-1992—Receipt.  
 Ex. M8 : 1-8-1992—Receipt.  
 Ex. M9 : 3-9-1992—Receipt.  
 Ex. M10 : 30-9-1992—Receipt.  
 Ex. M11 : 31-10-1992—Receipt.  
 Ex. M12 : 2-12-1992—Receipt.  
 Ex. M13 : 4-1-1993—Receipt.  
 Ex. M14 : 31-1-1993—Receipt.  
 Ex. M15 : 7-4-1993—Receipt.  
 Ex. M16 : 6-8-1993—Receipt.  
 Ex. M17 : 10-9-1993—Receipt.  
 Ex. M18 : 4-10-1993—Receipt.

Sd./- Illegible  
 Chairman Industrial Tribunal-II  
 Hyderabad.

नई दिल्ली, 11 नवम्बर, 1998

का. प्र. 2539.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टेलीकॉम डिपार्टमेंट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-98 को प्राप्त हुआ था।

[सं. एल-40012/68/93-आई आर (डीयू)]  
 के. वी. बी. उण्णी, अवर सचिव

New Delhi, the 11th November, 1998

S. O. 2539.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on the 11-11-98.

[No. L-40012/68/93-IR(DU)]  
 K. V. B. UNNY, Under Secy.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
 INDUSTRIAL TRIBUNAL-CUM-LABOUR  
 COURT, BANGALORE

Dated, 28th Day of October, 1998.

PRESENT :

JUSTICE R. RAMAKRISHNA.

Presiding Officer

CENTRAL REFERENCE NO. 80/94

3163 GI/98--16

I PARTY :

Sri R. Rasheed,  
 C/o Sri Rahmanthualla,  
 No. 7, 'B' Cross,  
 Hanumanthappa Layout,  
 Sultanpeth, Bangalore-32.

II Party :

The General Manager,  
 Bangalore Telecom District,  
 Bangalore-560009.

#### AWARD

The Government of India, having confirmed that an Industrial dispute exists between the parties referred the above has sent this reference under Order No. L-40012/68/93-IR (DU), for adjudication on the Schedule :

#### SCHEDULE

"Whether the action of the Telecom Department in denying employment to Sri Rasheed, Casual Labour is proper, legal and justified? If not, to what relief the workman is entitled?"

The I Party is represented by Legal Practitioner Sri S. K. Mohiyuddin. He has filed claims Statement on 26-8-96. In his statement he has prayed this Tribunal to quash the Order dt. 10-6-91 issued by the II Party Management and dt. 10-5-91 rejecting his claim for re-instatement. He has also prayed for monetary benefits if his claim is allowed.

He has admitted in his Statement that he was absent from duty from 1-2-85 to 1-6-88. His contention was when he approached on 2-6-88 he was refused employment on the ground that there was a ban on recruitment of casual mazdoors with effect from 30-3-85.

The II party has not appeared at the initial stage of the dispute and latter appeared consequent to the notice issued by this Tribunal.

Sri V. P. Puttasiddiah, Learned Additional Central Government pleader appeared and filed a memo enclosing a Death Certificate to show that the I Party workman died on 4-3-97.

On the perusal of the Order sheet the Learned Advocate for the I Party has not made any representation recording the death of the workman in respect of the proceedings continued from the date of the death of the workman.

Since the prayer made by the workman was a personal one no legal representatives can be brought on record.

Having regard to these facts and circumstances the reference is rejected as abated.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2540.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डिस्ट्रिक्ट इंजीनियर टेलीकाम (छिन्दवाड़ा) जबलपुर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-98 को प्राप्त हुआ था।

[सं. एल-40012/58/91-आई आर (डीयू)]  
के. वा. बी. उण्णी, अवर सचिव

New Delhi, the 11th November, 1998

S.O. 2540.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of District Engineer, Telecom (Chhindwara), Jabalpur and their workman, which was received by the Central Government on the 11-11-98.

[No. L-40012/58/91-IR(DU)]

K. V. B. UNNY, Under Secy.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR  
COURT, JABALPUR (M.P.)

D. N. DIXIT, Presiding Officer.

No. CGIT/LC(R)/185/91.

Mohanlal Jharia,  
S/o Shri Devi Prasad,  
R/o. H. No. 375,  
Purana Garha,  
Jabalpur.

... Workman.

Vs.

District Engineer,  
Telecommunication (Chhindwara),  
Jabalpur.

... Management.

## AWARD

(Passed on this 8th day of Oct. '98).

1. Ministry of Labour, Government of India, by its Order No. L-40012/58/91-IR (DU), dated 11-10-1991, has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Distt. Engineer, Telecommunication (Chhindwara), Jabalpur, in terminating

the services of Shri Mohan Lal Jharia, Ex-casual labour, w.e.f. 5-8-1989, is justified? If not, to what relief is the workman entitled?”

2. According to the workman Shri Mohan Lal Jharia, he was employed as a casual labour on 29-9-1987 and he worked till 4-8-1989. From 5-8-1989, the workman has been denied employment by the Management. The workman submits that he had put in more than 700 days in attendance and under Section 25-B of the Industrial Dispute Act, his termination amounts to retrenchment. At the time of termination, the workman was not given notice and retrenchment benefits. As such, termination of workman is illegal and void ab-initio. The post in which the workman was working was lying vacant. The workman prays to be regularised in the post in which he was employed. The action of the Management in not giving employment to the workman and terminating his services without complying with the statutory requirements and rules and regulations is illegal. The representation of the workman was not considered and he was denied justice. The workman prays that he be re-instated from 5-8-1989 with full back wages and other allowances.

3. The Management did not file their written statement and on 30-12-1994, this Court closed the Right to file the Written Statement. The Management did not examine any witness or file any documents. In spite of repeated opportunities, the Management did not lead evidence.

4. The workman has stated his case in his Affidavit filed in the Court. He was cross-examined by the Counsel for Management and no contradictions could be brought in his statement. The workman has proved his case by his own evidence.

5. The workman has proved that from 29-9-1987 to 4-3-1989, he was in continuous employment of the Management. This period is more than 700 days. His termination amounts to retrenchment. Under Section 25-F of the Industrial Dispute Act, the retrenchment can be effected only by giving a month's notice and payment of retrenchment compensation. The same has not been done in the present case. Thus, the termination of the workman is illegal.

6. The post in which the workman was working is vacant. The claim of regularisation of casual employees is being done and as per the directions of the Hon'ble Supreme Court of India, the workman is entitled to be regularised in the post in which he was employed.

7. I hold that the workman Shri Mohan Lal Jharia will deem to be in employment of Distt. Engineer, Telecommunications, Chhindwara (MP), from 5-8-1989 till date. As the workman has not

worked, he is not entitled to any pay. From the date of Award, the workman is entitled to pay and allowance admissible under rules. The workman be taken into service within a month from publication of the Award. The workman will be entitled to increment of pay from 5-8-1989 till date as per rules. This Award is given in favour of the workman and against the Management. Parties to bear their own costs.

8. Copies of the Award be sent to the Ministry of Labour, Govt. of India, as per rules.

Dt. 8-10-1998.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2541.-श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सब-डिवीजनल आफिसर टेलीकाम, महबूब नगर के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, नं. II, हैदराबाद के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार की 11-11-98 को प्राप्त हुआ था।

[सं. एन-40012/27/96-आई आर (डीयू)]

के. वी. बी. उणी, अवसर सचिव

New Delhi, the 11th November, 1998

S.O. 2541.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal No. II, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub-Divisional Officer, Telecom., Mahaboobnagar and their workman, which was received by the Central Government on 11-11-98.

[No. L-40012/27/96-IR(DU)]

K. V. B. UNNY, Under Secy.

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL-II, HYDRABAD

#### PRESENT:

Sri G. Bhoopathi Reddy, B.A., LL.B., Chairman.

Dated, the 25th September, 1998

I. D. No. 23 of 1998

(CENTRAL)

BETWEEN

Shri K. Kishan,  
C/o K. Gopal. Phone Mechanic,  
H. No. 8-6-139,  
C/o. G. Rangaiah,  
Padmarathi Colony,  
Mahaboobnagar-509001.

Petitioner.

AND

The Sub-Divisional Officer,  
Telecommunications,  
Mahaboobnagar-509001

Respondent.

#### APPEARANCES:

Sri K. Ravinder Gond, Advocate for the Petitioner.

Sri P. Damodhar Reddy, Advocate for the Respondent.

#### AWARD

This a petitioner here in Casual Mazdoor filed representation before Government under Section 10(1)(d) against the respondent to set aside the termination order dated 01-04-84 and directing the respondent to reinstate into service, with continued service back wages and other attendant benefits. This I.D. referred to this Tribunal in pursuance of the letter No. 40012/27/96-IR(DU).

The petitioner alleges in the claim statement that he was joined as Casual Mazdoor on 01-04-1983 under respondent No. 1 worked continuously upto 31-03-1984. The respondent No. 1 orally terminated the petitioner on 01-04-1984. The termination order is illegal, invalid to set aside. The petitioner worked more than 240 days, the respondent violated Section 25(F) of I.D. Act. The petitioner was not given any notice nor paid one month wages nor paid compensation as contemplated under section 25(F) of I.D. Act. On the date of termination of petitioner juniors to the petitioner namely A. Nedavaiah, M. Venkatesh, B. V. Subbah, Sh. Rahim, S. A. Rahman, Ch. Venkatesh, A. Tippanna, T. V. Swamy, M. A. Arif, Rajasekhar, D. Suresh Babu, N. Satyanarayana, L. Venkataiah, Md. Farooq, B. G. Krishna, G. Damodhar Reddy are still in continuing service. The petitioner raised Industrial Dispute before the Assistant Labour Commissioner. The petitioner filed O.A. No. 644/1996, on the file of Honourable Central Administrative Tribunal, Hyderabad Branch. The Central Administrative Tribunal has directed the respondent to re-engage as Casual Mazdoor in future if there is a work in the Department. The respondent has not implemented the judgement of the Tribunal, juniors to the petitioner are still continuing. The petitioner prayed that the termination order may set aside the petitioner may be continued in service with back wages and other attendant benefits.

Respondent filed a counter alleging that the I.D. filed by the petitioner is not maintainable. It is false to say that the petitioner worked more than 240 days. There is no violation of section 25(F) of I.D. Act. The petitioner himself left the work, to get a gainful work in some where else. The seniority list of Casual Mazdoors will be prepared basing upon the number of days worked but not upon the date of joining. The petitioner himself discontinue from the work. The petitioner is not entitled to reinstate. The petitioner is already agitated the matter before the Central Administrative Tribunal Hyderabad Branch. The Central Administrative Tribunal orders are binding on the petitioner and to file this I.D. by the petitioner operates as res judicata. There is no proposal for the recruitment of fresh mazdoor. It is false to say that the junior to the petitioner are continuing in the respondent office. In the recent past due to introduction of modern technology and privatisation the Telecom. Works, the man power requirement was reduced to a greater extent. There is a surplus man power and any additional casual labour may become burden to the consumer. The petitioner is not entitled any relief the I.D. may be dismissed.

On the basis of the pleadings the following points that arise for determination.

Whether the termination order passed by the respondent dated 01-04-1984 is illegal violation of section 25(F) of the I.D. Act. If so, what kind of relief the petitioner is entitled?

The petitioner submits that he was joined as Casual Mazdoor in respondent office on 01-04-1983 and continued upto 31-03-1984. The termination order passed by the respondent 01-04-1984, violation of section 25(F) of I.D. Act. It is further submits that the juniors to the petitioner are continuing in service of respondent. The termination order may be set aside petitioner reinstate into service.

Respondent resisted the plea there is no violation of Section 25(F) of the I.D. Act. The principle of res judicata is applies the I.D. is not maintainable. The burden of proof lays on

the petitioner. In support of petitioner claim, petitioner himself examined as Ex. WW1, Ex. W1, to Ex. W6 filed. He deposed that on 01-03-1983 he was taken as casual labour by the respondent continued upto 31-03-1984.

The Respondent issued termination order Ex. W1, Ex. W2 i the day book maintained by him. Ex. W3 is the list of engagement of casual labourers. After he was terminated from service the respondent has reinstated the some of casual labourers, who are juniors to him. Ex. W4 is the representation given to the A.C.L. On the representation the A.C.L. initiated conciliation meeting. But the respondent has not taken him to service. He filed case before Central Administrative Tribunal. Ex. W5 is the judgement certified copy of the Central Administrative Tribunal. Even the respondent has not implementing the judgement of C.A.T., the respondent has appointed others. The petitioner prayed to reinstate him into service. To rebut the petitioner evidence MW1 N. V. Prasada Rao, Sub-divisional Officer, Mahaboobnagar examined. He deposed that the petitioner has joined as casual on 01-04-1983 worked upto 31-07-1984 with breaks of service. The petitioner was not continuous service. The petitioner worked in the year 1983 126 days, in the year 1984 213 days. The petitioner filed O. A. No. 644 1966 on the file of Central Administrative Tribunal where in the judgment was delivered. The petitioner filed this I.D. is not maintainable. There is no work in the respondent office. There is a Central Government instruction not to recruit any casual labourers. The I.D. may be dismissed.

The petitioner submits that he was joined as Casual Mazdoor under the Telecom. Department on 01-04-1983, he was continuously worked under the control of Divisional Officer, Telecom., Mahaboobnagar upto 31-03-1984. He worked more than 240 days, while terminating one month notice or notice pay nor compensation was paid, violation of Section 25F of I.D. Act. The petitioner may be reinstate into service. Respondent resisted the plea that the petitioner not worked 240 days in a calendar year, when casual petitioner voluntarily left service. He is not entitle for any relief. There is no violation of Section 25(F) of I.D. Act. The petitioner hear in already filed case before the Central Administrative Tribunal in pursuance of judgement O. A. No. 644/96 on the file of C. A. Tribunal the same relief sought is this tribunal. The Industrial Dispute itself is not maintainable as per the judgement of Central Administrative Tribunal dated 13-06-1996, the respondent was directed to re-manage the casual mazdoor depends upon the available of work. The same relief now sought in this tribunal which has a violation of principle of res-judicata. The submission made by the respondent is concerned the petitioner here in already approached the Central Administrative Tribunal in pursuing of the judgement of the Central Administrative Tribunal Ex. W5 in O.A. No. 644/96. The said judgement was passed at the admission stage. As per the judgement wherein the specific direction was given by the Tribunal that the petitioner shall be re-engaged as a casual mazdoor. In future if there is a work in the same unit where in which he was last discharged in preference to freshers from the open market. And there is further direction if in pursuance of this order, he is going to be re-engage known who is already casual service shall be discharged. The judgement of the C. A. Tribunal is passed at the admission stage of the case. The said judgement is not contested matter on the other hand the petitioner sought relief in this tribunal for any reinstatement. The principle of res-judicata is not applicable. The I.D. filed by the petitioner under section 2(A-2) of I.D. Act is maintainable. The petitioner taken a plea that he was engaged as a casual labour on 01-03-1983 and worked up to 31-03-1984 there is no breaks of service completed more than 240 days. The burden of the proof lies on the petitioner. In support of the petitioner claim Ex. W2 is the Day book maintained by the petitioner where in the Telecom Department officials has signed the said day book to prove the day book Ex. N1, NW1 examined. As per WW1 evidence goes to show he was engaged by the respondent as a casual labourer on 01-04-1983 and the entries made in the day book maintained by the petitioner and the said entries are carried by the Telephonic Department. On the other hand MW1 was also confronted with regard to the day book maintained by the petitioner. He also clarified that the junior Telecom officer signed the entries and other official signed the day book. As per the day book

discusses that the petitioner worked continuously from 1-4-93 to 31-03-1984. The number of days worked for each month were noted by calculating the number of days goes to 267 days in addition to that the petitioner is continued work as in the Telecom Department from 01-04-1984 to 31-07-1984. The respondent contended that the petitioner worked in the year 1983 126 days in the year 1984 the petitioner worked 213 days. The petitioner not worked 240 days in a calendar year. To substantiate the claim of the respondent, the respondent has not filed any documents. On the other hand a petitioner hear in also filed I.D. No. 91/98 directing the respondent to reduce the original documents letter No. H/1-60/2/96-97/20 BM. dated 11-04-1993 of the Divisional Telecom-Mahaboobnagar, showing the date and name of the casual mazdoor by the respondent from 1991 in Mahaboobnagar District and seniority list of the casual mazdoor are also not produced. The non production of the record on adverse inference can be drawn against the respondent. On the other hand the respondent is custody of the said record. Apart from this the petitioner hear in made representation Ex. W4 to the Assistant Commissioner of Labour prior to filing of this case. In that representation also he has taken a specific plea he has taken as a casual labour and continued in the respondent office. He has worked more than 240 days and when he was suffering with illness he was terminated from service, and the petitioner also brought to my notice Ex. W3 is the engagement of casual labour as per the letter dated 11-04-1997 discloses that the casual labourers have recruited after 12-06-1988 and the list of casual labour was also enclosed to this letter and the MW1 was also confronted with regard to the Ex. W3. He has denied the said list but the respondent has not filed any record. The names mention in the annexure the juniors to the petitioner. The petitioner filed a notice issued in respect of other employee T. Ranga Rao Ex. W1. Where the termination notice was issued to the casual mazdoor, dated 15-04-1997. The said notice is not where concern. Ex. W2 is the letter issued by the Telecom District Manager, Mahaboobnagar dated 14-02-1994 that the 8 casual mazdoor are accepted to work to 9-9.6 T. Gudwal for cable digging work for further orders. The list of names contends. It is goes to show that the casual mazdoor were continuing in respondent office. Moreover the petitioner hear in had made representation to the telecom Department in pursuance of the judgement of Central Administrative Tribunal. But the respondent has not considered for engaging him as a casual labour. Ex. W6 is a said proceedings issued by the Telecom Officer, Mahaboobnagar. As per the documentary evidence and beside the oral evidence of WW1 disclosed that the petitioner was joined in respondent office as casual mazdoor on 1-4-1983 under respondent No. 1 worked upto 31-3-1984 and the respondent has terminated the petitioner services on 01-04-1991. The respondent has violated of section 25(F)/I.D. Act. The procedure laid down under section 25(F) of I.D. Act, if any employee works more than 240 days, a notice to be issued or one month notice pay nor compensation to be paid. In our present case, the respondent has violated the procedure laid down under section 25F of I.D. Act. The procedure laid down under section 25F of I.D. Act is a mandatory provision. The respondent has violated the petitioner is entitled for reinstatement. In support of the petitioner claim petitioner relied Anjali Bapari (M) and other Vs. Central Welfare Board and others 1996 (10) Supreme Court carry page 133, where in it was held that the principle of last come first go to apply in resort of casual vacancies filling up. The principle laid down in this case can be applied. In our present case. In our present case the petitioner was recruited as casual mazdoor he worked juniors to the petitioner are still continuing in respondent office. The principle last come 1st go to applied with regard to the terminating the casual mazdoor. The respondent contended that there was an abnormal delay rising an Industrial Dispute. The I.D. itself is not maintainable. The submission made by the respondent is not sustainable. There is no limitation period is prescribed in the I.D. Act for rising an Industrial Dispute. In support of the petitioner claim the petitioner has relied Indian Airlines Vs. A. Philips, AP Legislature, 1989(1) AIT page 607, where in it was held a casual labourer employed by Indian Airlines discharged from services, he filed an Industrial Dispute after 11 years. It was held that reinstatement of the petitioner into the service but disallowing the back wages. The principle laid down in his case may be applied in our present case. In support of the petitioner claim petitioner further relied State of Maha-

*rashtri Vs. Dyaneshwar Sarmaji RMSR and Another* Bombay High Court 1998 (1) LLJ, page 716. Wherein it was held under section 25F and 25G of I.D. Act. Where in it was held a workman doing unskilled work on daily wage basis succeed in his claim made after about 5 years, and that not giving re-employment to him against to illegal termination under Sections 25-F and 25-G of I.D. Act. The principle laid down in this case can be applied in our present case. The respondent contended that the petitioner was taken as a casual mazdoor for the period of the completion of the work, the works are completed and the telephonic exchange are converting in to electronic exchanges and computerised. There is no work for casual mazdoor. The submission made by the respondent is not such as in it. On the other hand the respondent has not led any evidence on the other hand the respondent has recruited a casual mazdoor after termination of the petitioner and the juniors to the petitioner are still continuing which is a violation of section 25F of I.D. Act. In support of the petitioner claim the petitioner has relied *Oriental Bank of Commerce Vs. Union of India and Others* 1998, II-LLJ page 112 Allahabad High Court under Section 25-H of Industrial Dispute Central Rules, 1957.

It was held the employment against leave vacancies clerk not allowed to work, it comes a retrenchment the petitioner was under a legal obligations to give a notice before a termination when the vacancies are arisen.

The principle laid down in this case is not at all applicable, in our present case is concerned. In support of the petitioner claim.

**L. ROBERT D'SOUZA**

**Vs.**

**EXECUTIVE ENGINEER, SOUTHERN  
RAILWAY AND ANOTHER**

Under Section 25F and 25G of I.D. Act, 1992(1) Servent service law reporter, Supreme Court of India Page 864. Casual labourer in Railways were terminated without issuing a notice which is a violation of section 25F. The principle laid down in this case can be applied in our present case is concerned. In support of the petitioner claim the petitioner has further relied *Central Bank of India Vs. S. Satva* under Section 25F I.D. Act AIR 1996. Supreme regard to the re-employment of the retrenched employees. The principle laid down in this case can be applied in our present case is concerned. The Court, page 2526. The principle laid down with respondent taken specific plea the seniority of casual mazdoor was maintained by the respondent office. But the said list was not produced the non-production of the casual employees list an adverse and inference can be drawn against the respondent, on the other hand the petitioner taken a specifically the juniors to the petitioner *Madhavaiah. Venkataiah, Bv. Subbaiah, Rakim* and others are still continuing. But the respondent has not produced the said record. On the other hand the MW1 has clarified that he has clarified in the year 1984 in casual mazdoor are appointed. The respondent is in the custody of the record is not produced. In support of the petitioner claim the petitioner has further relied *daily acted casual employees under F&T Department Vs Union of India* AIR 1987. Supreme Court page 2242 wherein under Articles 14, 16, 38, 37 and 39D of Indian Constitution. Wherein it was held that classification of the labourers for the period of different wages for a violative of Articles 14, 16 of Constitution of India.

The principle laid down in the case is not at all applicable in our present case. In our present case is concerned whether the respondent has violated procedure for termination of the casual employees. The petitioner worked more than 240 days in a calendar year without issuing any notice and nor paid any notice pay and nor paid any compensation, terminated the petitioner which is a violation of section 25F of I.D. Act. The termination order passed by the respondent is set aside. The respondent is directed to reinstate the petitioner into the service and the service of the petitioner to be treated as the continuity of service. But the petitioner is not entitled any backwages.

The Award shall come in to force under section 17A of I.D. Act after one month of publication of the Award.

Dictated to stenographer transcribed by her corrected by me given under my hand and seal of this Tribunal on this day 25th September, 1998.

**G. BHOOPATHI REDDY, Chairman.**

## APPENDIX OF EVIDENCE

### LIST OF WITNESSES EXAMINED

For Petitioner :

W.W. 1 : Shri K. Kishan.

For Respondent :

W.W. 1 : Shri N. V. Prasada Rao.

### DOCUMENTS MARKED

For Petitioner :

Ex. W-1 : 15-4-1997 : Xerox copy of Notice of retrenchment of Shri K. Ranga Rao.

Ex. W-2 : Day Book.

Ex. W-3 : 11-4-1997 : Xerox copy of list of engagement of casual Labour.

Ex. W-4 : 13-2-1995 : Xerox copy of representation Labour from petitioner addressed to A. L. C. (Central), Hyd.

Ex. W-5 : 13-6-1996 : Xerox copy of Judgment passed by Central Administrative Tribunal.

Ex. W-6 : 14-8-1996 : Xerox copy of notice issued by respondent.

Ex. W-7 : 14-2-1994 : Xerox copy of list of respondent of casuals mazdoor.

For Respondent : NIL.

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2542.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार गन कैरिज फैक्ट्री, जबलपुर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-98 को प्राप्त हुआ था।

[सं. एल-14011/12/92-आई आर (डीयू)]  
के. वी.बी. उन्नी, अवसर सचिव

New Delhi, the 11th November, 1998

S.O. 2542.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Gun Carriage Factory, Jabalpur and their workman, which was received by the Central Government on the 11-11-98.

[No. L-14011/12/92-IR(DU)]

K.V.B. UNNY, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT : JABALPUR (M.P.)

D. N. Dixit, Presiding Officer.

NO. CGIT/LC(R)(185)/93.

S. K. Banerjee and 74 others. . . Workman

Vs.

(1) Director General Ordnance Factory Board,  
10-A Auckland Road, Calcutta.

(2) General Manager, G.C.F., Jabalpur  
. . . Management.

#### AWARD

(Passed on this 9th day of October, '98).

1. Ministry of Labour, Government of India, vide its order No. L/4011/12/92-IR(DU) dated 8-9-1993, referred the following dispute for adjudication by this Tribunal :—

“Whether the demand of Shri S. Banerjee and other seventy five skilled workers as per Annexure ‘A’ of Gun Carriage Factory, Jabalpur (MP), for up-gradation to highly skilled Grade-II is justified? If so, what relief the concerned workmen are entitled to?”

2. According to the workman, they were appointed from 1972 to 1976 as Artisan Grade-C. From 1-1-1973, their pay scale was Rs. 210—290. In 1993, the Management launched a scheme known as

“Skilled Artisan Training Scheme”, with an object to train the persons for skilled grade post in the Ordnance Factories. This carried a scale of Rs. 260—350. The qualifications were that artisan must be drawing a minimum of Rs. 210 per month and must have worked for three years, as a semi-skilled worker. The scheme provided for one year training and six months journeyman ship. After completion of training, the artisan was given the post of skilled artisan. The post of skilled Grade-II is filled by two sources. 80 per cent are filled by promotion and 20 per cent by direct recruitment. The present workmen at that time were working in the pay scale of Rs. 260—400 and the remaining were in the pay scale of Rs. 210—290 and were due for promotion to the next grade, i.e., Rs. 260—400. The present workmen did not apply for training as they were in the pay scale of Rs. 260—400 and remaining were to get this scale in the near future. The present workmen had 10 to 15 years of experience in the skilled grade. An Expert Classification Committee was constituted which recommended the pay scale of Rs. 330—480 for the scale of skilled workmen. Thus, those employees who had taken a year and half of training under the scheme ‘Skilled Artisan Training’ got the pay scale of Rs. 330—480. The present workmen were senior to those persons and were holding the post of skilled workman since long. Yet, they were placed on the junior scale. The present workmen want that they should be given the pay scale of Rs. 330—480/330—560 from the time their juniors got this scale.

3. The contention of the Management is that the workmen were absorbed in Ordnance Factory as C-Grade workmen in the pay scale of Rs. 210—290. In the year 1981, the scheme, namely, Skilled Artisan Training was introduced. The training period was 1-1/2 years. The persons were trained and posted as higher skilled grade, i.e., Rs. 330—480 after training. The present workmen could not get this scale because they did not have higher training and they have not opted for training. Because of skilled artisan training, the artisan got this scale of Rs. 330—480, the workmen cannot get it. The Management wants this case to be dismissed.

4. In the present case, neither the workman nor the Management has led any evidence, though several opportunities were given to them for the same.

5. The highly skilled Grade-II is filled 80 per cent by promotion and 20 per cent by direct recruitment. The present workmen form 80 per cent of the promotion quota. In the remaining 20 per cent, those workmen were taken who have successfully undertaken the training for skilled artisan trainee scheme. This scheme provided for intensive training of 1 1/2 years. The present workmen could have joined this training scheme, but, they refrained from joining kit for various personal consideration. Thus, the employee who has taken skilled artisan training were superior to the present workmen because they have taken intensive training for 1-1/2 years. To the present workmen, 80 per cent promotion posts are still open. Direct recruits are given the scale of Rs. 330—480 because of higher training they receive.

6. I find no force in the contention of the workmen. They cannot be given highly skilled Grade-II because they have not taken the skilled artisan training. The Award is answered in favour of the Management and against the workmen. Parties to bear their own costs.

7. Copies of Award be sent to the Ministry of Labour, Govt. of India, as per rules.  
Dated : 9-10-1998.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2543.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विहकलन्कट्टी, जबलपुर के प्रबंधन के संबंध निपोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-98 को प्राप्त हुआ था

[सं. एन-14012/91/91-आई आर (डीयू)]  
के. बी. बी. उण्णी, अवसर सचिव

New Delhi, the 11th November, 1998

S.O. 2543.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Vehicle Factory, Jabalpur and their workman, which was received by the Central Government on the 11-11-98.

[No. L-14012/91/91-IR(DU)]

K.V.B. UNNY, Under Secy.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR (M.P.).

D.N. DIXIT, Presiding Officer.

No. CGIT/LC(R)/(30)/92

Ghanshyam

s/o Late S. Mahadev,

Ex-Sweeper.

... Workman.

Vs.

General Manager,

Vehicle Factory,

Jabalpur (M.P.)

... Management.

#### AWARD

(Passed on this 7th day of Oct, 1998)

1. Ministry of Labour, Government of India, vide its order No. L-14012/91/91-D-2 dated 20-2-1992 has referred the following dispute for adjudication by this Tribunal :—

“Whether the management of Vehicle Factory, Jabalpur (M.P.) is justified in terminating the services of Shri Ghanshyam s/o Late Sh. Mahadev, Ex-Sweeper w.e.f. 7-10-1989 ? If not, what relief he is entitled to ?”

2. According to the workman Ghanshyam, he was appointed to the post of Sweeper on compassionate grounds on 8-7-1985. His services were terminated w.e.f. 7-10-1989 without any show cause notice and inquiry. The termination amounts to retrenchment, but, he has not been paid retrenchment compensation. Hence, the termination is illegal. The Management has not followed the provisions of 25-G. WH of Industrial Dispute Act. The workman wants to continue in the job and for payment of wages and allowances from 7-10-1989 onwards.

3. The reply of the Management is that the workman Ghanshyam was appointed as a Sweeper on 8-7-1985 on probation for two years. During the period of probation, the attendance of the workman was highly unsatisfactory. He frequently remained absent from the duty. He was given many warning letters, but, his attendance in the duty remained poor. His probation was extended for six months and he was given a warning to be careful in attendance. The workman did not improve his attendance. He was given second extension of six months. In this extension, he remained absent for 139 days. His probationary period was further extended by six months. In this extension, he remained absent for 135 days. Fourth time, he was given extension of six months. There was no improvement in his attendance. Fifth time, he was given extension of three months. He remained absent for 60 days. In spite of so many opportunities to him to improve his attendance, the workman showed no improvement. His services came to an end on 7-10-1989. At the time of termination, the workman was absent continuously for about three months. Since, the workman was on probation and his services were terminated during the period of probation, the provisions of I.D. Act, will not apply in the instant case. The Management wants that the workman is not entitled to any relief.

4. The Management has filed statement of leave from 17-7-1985 to 5-8-1989. Five times the probation of the workman has been extended. Every time, the workman has been given a memo advi-

sing him to be more punctual. The copies of these memos are on record. The workman was warned every time that since his services are on probation, he is liable to be terminated any time. The workman showed no improvement and failed to gain by the extension of the probationary period.

5. The workman has given no explanation why he remained absent so frequently. Every time, he remained absent, he has done so without permission. His modus operandi was first to avail the leave and then to apply afterwards. He remained absent for 248 days from 9-1-1988 to 23-9-1988. The workman has not explained the type of sickness and the medical assistance received by him. From the record, it is apparant that he was taking his absence from duty very carelessly. He never gave importance to the attendance. Inspite of repeated extension of probationary period, the workman never improved. The Management then decided to terminate his services. The services have been terminated from 7-10-1989.

7. It is clear from the record that the Management has been more than liberal in giving opportunities to the workman to improve his attendance. The workman did not improve and remained continuously absent for about three months at the time of termination. Then alone, the Management terminated his services. The Management had been more than fair to the workman. The workman hardly cared for his job which is apparant that on the smallest pretext, he remained absent from duty. The action of the Management is justified. Five opportunities were given to the workman to improve himself which he failed to improve. The action of the Management is justified and correct.

8. The workman was on probation. His probation period was extended five times. When, the workman failed to improve, his employment came to an end. The provisions of I.D. Act about the retrenchment are not applicable to him because he was on probation.

9. Service contract of the workman was not renewed and his probation period came to an end. This will not be a retrenchment as defined under Section 2 (oo) of the I.D. Act. The service of the workman are terminated as a result of non-renewal of the contract at its expiry. This will not be a retrenchment. The services of the workman were terminated during the probation on the ground of his continuous absence from duty. This is not a retrenchment.

10. I hold that services of the workman Ghanshyam were terminated w.e.f. 7-10-1989 in a valid and legal manner. The workman is not entitled to any relief. Parties to bear their own costs.

11. Copies of the Award be sent to the Ministry of Labour, Govt. of India, as per rules.

D.N. DIXIT, Presiding Officer

Dated 7-10-1998.

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2544.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार गन कैरिज फैक्ट्री जबलपुर के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्राय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट का प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-98 को प्राप्त हुआ था ।

[सं. एल-14012/119/91-आई आर (डू)]  
के.वी.बी. उण्णी, अवर सचिव

New Delhi, the 11th November, 1998

S.O. 2544.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Gun Carriage Factory, Jabalpur and their workman, which was received by the Central Government on 11-11-98.

[No. L-14012/119/91-IR(DU)]

K.V.B. UNNY, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

D.N. DIXIT, Presiding Officer.

No. CGIT/LC/(R)|203|92.

B. L. Jangade,  
C/o Shri R.C. Jha,  
General Secretary,  
Shataghni Vahan Nirman  
Shramik Sangh,  
123/1. New Tuti Line,  
GCF Estate, Jabalpur. ... Workman.

Vs.

Union of India,

Through General Manager,  
Gun Carriage Factory,  
Jabalpur. ... Management

#### AWARD

(Passed on this 8th day of October. 1998)



1. Ministry of Labour, Government of India, vide its order No. L-14012/119/91-IR(DU) dated 30-9-1992 referred the following dispute for adjudication to this Tribunal :—

“वया प्रबंधक गन कैरिज फैक्ट्री, जबलपुर (म.प्र.) के प्रबंधकों द्वारा श्री बी.एल. जंगडे, दि.न. 12153/आई-एमर 'ए' को श्रावण दिनांकित 8-5-80 द्वारा उसके वेतन में कटौती बिसे जाने की बाधवादी प्रयोचित है। यदि नहीं तो संबंधित वर्मवार किस अनुतोष वा हजदार है?”

2. The workman Shri B. L. Jangade died on 8-11-1995 and his wife, sons and daughter are pursuing the present matter.

3. According to the workman Shri B. L. Jangade, he was working as Turner A-Grade on 9-1-1989. He was in the night shift in the night intervening 8th and 9th January, 1989, at Gun Carriage Factory, Jabalpur. At about 4.50 a.m., Security Darban checked his moped and from the tool box, a steel block of the size of 6"×3"×1.5" weighing about 7 Kg. was taken out. According to the workman, this was his property. A charge of theft was levelled against the workman and a departmental inquiry was held. The D. E. officer found the workman not guilty of the charge and submitted his report. The General Manager, Gun Carriage Factory, Jabalpur, vide his order dated 24-2-1990 disagreed with the findings of the D.E. Officer and found that the workman (Accused) was stealing the steel block which was the property of the Management, i.e., GCF. The punishment awarded by the Management is reduction of pay to the minimum of scale, i.e., from Rs. 1350 to Rs. 1200 (1200-1800) for a period of two years with cumulative effective from the date of order. This order is challenged by the workman in this Court. According to the workman, the Disciplinary Authority has disagreed with the findings of the Inquiry Officer on the basis of presumption and personal knowledge. This is not permissible in a case of departmental inquiry. The Disciplinary Authority committed grave irregularity. The Inquiry Officer had correctly appreciated the evidence and has come to a correct conclusion. This action of the Disciplinary Authority is highly improper, unjustified and illegal. The Disciplinary Authority

has shifted the burden on the defence which is improper and contrary to the principles of natural justice. The workman wants a declaration that finding of the Disciplinary Authority is erroneous and penalty imposed is illegal.

4. The Management challenged the contention of the workman. The report of the Disciplinary Authority is correct and valid and it cannot be set aside. The Management supports the contention of the Disciplinary Authority and justified the punishment. The Management wants the case to be decided in favour of the Management and against the workman.

5. There is no dispute that the workman was on duty in the night shift on the night intervening 8th and 9th January, 1989, in the Gun Carriage Factory, Jabalpur. It is also not disputed that at about 5.00 a.m., two-wheeler vehicle of the workman was searched and a steel block of the size of 6"×3"×1.5" weighing about 7 Kg. was found in the tool box. This steel block was seized. The charge against the workman is that he illegally removed the property of GCF and was caught in the process and the steel block was seized from his possession. The workman has denied that he has stolen the steel block which was the property of GCF.

6. The D. E. Officer Shri M. Guha in his report has found charge of attempt of theft is not proved beyond ambiguity. The Disciplinary Authority disagreed with the findings of the Inquiry Officer and in his order dated 24-2-1990 has held that the workman has no business to bring the steel block in his moped inside the factory. He did not report to the security check while starting duty that he is carrying a steel block. This block was wrapped in a blanket and kept in the tool box. The workman has led the evidence that he purchased this steel block from a Kabadi (scrap vendor). This fact has not been accepted by the Disciplinary Authority on the ground that normally Kabadi did not give receipt. The Disciplinary Authority found the workman guilty of misconduct and inflicted punishment.

7. I agree with the inference of the Disciplinary Authority. The Gun Carriage Factory where the workman works, is an organisation of the Ministry of Defence and there is security check of everyone

while entering and leaving the place. Everyone is bound to declare the articles in their possession at the time of entry into the building. This has not been done by the workman when he started his duty. The workman was caught with a steel block. It did not have GCF marking. As explained in the report, every piece of steel used by the GCF does not carry GCF markings. This does not mean that steel block seized from the workman is not the property of GCF. It was found covered in a blanket inside the tool box of the workman. The obvious inference is that the workman kept it. The receipt of Kabadi produced by the workman is not satisfactory. It is clearly an afterthought. The Disciplinary Authority has evaluated the evidence properly and reached to the right conclusion.

8. The workman was caught stealing the property of GCF, thus, the punishment of reduction of pay to the minimum of scale for two years with cumulative effect is proportionate to the misdeed committed by the workman. The punishment is not excessive.

9. I agree with action taken by the Management and endorse it. The workman has no case. The Award is given in favour of the Management and against workman. Both parties to bear their own costs.

10. Copies of the Award be sent to the Ministry of Labour, Govt. of India, as per rules.

D.N. DIXIT. Presiding Officer

Dated 8-10-98